

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No.38 of 2014

Rajendra Shukla & Others				Appellants
<i>Versus</i>				
Ram Sajivan Choubey & Others				Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants : Mr. Kundan Kr. Ambastha, Advocate
Mr. Amar Kr. Sinha, Advocate
Mr. Sumit Kumar, Advocate

Order No:-07 Dated:-11-07-2024

I.A. No.2219 of 2023

Heard the parties.

Learned counsel for the appellant submits that this interlocutory application has been filed with a prayer to substitute the legal representatives of the deceased appellant No.4 namely Shailendra Shukla who died on 25.12.2021 leaving behind his only six legal representatives whose names, parentages and addresses have been mentioned in para-6 of the instant interlocutory application. In this interlocutory application, prayer has also been made to substitute the legal representatives of the deceased appellant No.6 namely Udeswar Shukla who died on 22.01.2020 leaving behind his only two legal representatives whose names, parentages and addresses have been mentioned in para-7 of the instant interlocutory application. It is next submitted that the appellants are rustic villagers and they are not acquainted with the procedural law for filing the substitution petition in the event of death of a party, hence, the same resulted in delay in filing the petition for substitution. It is next submitted that unless the delay in filing the petition for substitution is condoned and abatement, if any, is set aside, the appellants will be highly prejudiced.

Mr. Amar Kumar Sinha & Associates have filed power on behalf of the legal representatives of appellant Nos.4 and 6.

Considering the aforesaid facts, the delay in filing the petition for substitution is condoned, abatement of this appeal in respect of appellant Nos.4 and 6, is set aside and the prayer for substitution of only six legal

representatives of the deceased appellant No.4 namely Shailendra Shukla and the prayer for substitution of only two legal representatives of deceased appellant No.6 namely Udeswar Shukla, as prayed for, is allowed.

Registry is directed to incorporate the names of only six legal representatives of the deceased appellant No.4 namely Shailendra Shukla whose names, parentages and addresses have been mentioned in para-6 of the instant interlocutory application as appellant No.4 (a) to 4 (f), incorporate the name of only two legal representatives of the deceased appellant No.6 namely Udeswar Shukla whose names, parentages and addresses have been mentioned in para-7 of the instant interlocutory application as appellant No.6 (a) to 6 (b) and to mention the word 'Dead' against the names of appellant No.4 namely Shailendra Shukla and appellant No.6 namely Udeswar Shukla with red ink in the cause title of the appeal memo.

This interlocutory application stands disposed of.

(Anil Kumar Choudhary, J.)

S.A. No.38 of 2014

Perusal of the record reveals that vide order dated 22.12.2022 prayer for time was allowed to the appellants subject to payment of costs of Rs.1,000/- by the appellants to the respondents and today also learned counsel for the appellants again prays for time to advance arguments in the matter of admission.

Prayer for time is allowed subject to deposit of Rs.2,000/- by the appellants with the Jharkhand State Legal Services Authority (JHALSA) within two weeks from the date of this order, failing which, this appeal shall stand dismissed without further reference to the Bench.

List this appeal after eight weeks under the heading 'Hearing' under Order XLI Rule 11 of the Code of Civil Procedure in case the appellants file the proof of deposit of Rs.2,000/- by the appellants with the Jharkhand State Legal Services Authority (JHALSA) within two weeks from the date of this order.