

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No.654 of 2015

Prakash Mahtha & Others				Appellants
<i>Versus</i>				
Radha Nath Mahtha & Others				Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants : Mr. Jageshwar Mahto, Advocate
For the Respondents : Mr. Nehru Mahto, Advocate

Order No.07 Dated- 23/02/2023

I.A. No.10910 of 2019

Heard the parties.

2. Learned counsel for the appellants submits that this Interlocutory Application has been filed with a prayer to substitute the legal representatives of the deceased respondent No.1 namely Radha Nath Mahtha who died on 31.08.2019 leaving behind his only three legal representatives whose names, parentages and addresses have been mentioned in para-4 of the instant interlocutory application. It is next submitted that this prayer for substitution was filed on 26.11.2019, hence, the prayer for substitution is within time. It is further submitted that unless the substitution, as prayed for, is allowed, the appellants will be highly prejudiced.

3. Considering the aforesaid facts, the prayer for substitution of only three legal representatives of the deceased respondent No.1 namely Radha Nath Mahtha, as prayed for, is allowed.

4. Registry is directed to incorporate the names of only three legal representatives of the deceased respondent No.1 namely Radha Nath Mahtha whose names, parentages and addresses have been mentioned in para-4 of the instant interlocutory application as respondent No.1 (a) to 1 (c) and to mention the word 'Dead' against the name of respondent No.1 namely Radha Nath Mahtha with red ink in the cause title of the appeal memo.

5. This interlocutory application stands disposed of.

(Anil Kumar Choudhary, J.)

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Learned counsel for the appellants prays for time to advance arguments in the matter of admission.

Prayer for time is allowed as the last chance.

List this appeal after eight weeks 'For Hearing' under Order XLI Rule 11 of Code of Civil Procedure.

Animesh/

(Anil Kumar Choudhary, J.)