

IN THE HIGH COURT OF JHARKHAND AT RANCHI

F.A No. 27 of 2014

The State of Jharkhand through the Deputy Commissioner, Palamau at Daltonganj,
Palamau & Ors.

... ..
...Appellants

-Versus-

Rajmani Tiwari, S/o Ramdas Tiwari & Ors. **...Respondents**

CORAM: THE HON'BLE MR. JUSTICE DR. S.N.PATHAK
(Through: Video Conferencing)

For the Appellants : Mr. P.C. Roy, Advocate
For the Resps. : Mr. Arbind kumar Sinha, Advocate
Mr. Jitesh Kumar, Advocate

05/17.08.2020 In view of outbreak of COVID-19 pandemic, case has been taken up through Video Conferencing. Concerned lawyers have no objection with regard to the proceeding, which has been held through Video Conferencing today at 10:30 A.M. onwards. They have no complaint in respect to the audio and video clarity and quality

I.A.No. 907 of 2014.

The instant Interlocutory Application has been filed under Section 5 of the Limitation Act, 1963.

It has been submitted by the learned counsel appearing for appellants that there is delay of about 116 days in filing the instant appeal. He further submits that sufficient cause has been shown in para Nos. 3 onwards.

Mr. Arbind Kumar Sinha, learned counsel appearing for the respondents has no objection to such contention of the learned counsel for the appellants.

In view of the submissions of the parties and averment made in para Nos. 3 onwards of the instant interlocutory application, the Court is fully satisfied to condone the delay of 116 days in filing instant appeal and as such, is hereby condoned.

I.A. No. 907 of 2014, stands allowed.

I.A.No.131 of 2016

The instant interlocutory application is preferred under Order-XXII Rule-10 A of the code of Civil Procedure for substitution of the legal heirs of respondent No.4.

Learned counsel for the respondents submits that as the respondent No.4 namely Kisto Tiwari has died on 17.08.2015. It has further been submitted that deceased, respondent No.4 has left behind the legal representatives, as per details mentioned in para-2 (i) to (iii) of the substitution petition. He further submits that legal heirs and representatives

have already appeared before this Court by filing their Vakalatnama. It has been prayed that the legal representatives named in para-2 (i) to (iii) may be substituted in place of deceased respondent No.4.

Learned counsel for the appellants has no objection to the same.

In view of submission of learned counsel for the parties, let the name of the deceased respondent No.4, Kisto Tiwari be deleted from the cause-title of the appeal and in his place, the name of legal heirs and successors as per details mentioned in para-2 (i) to (iii), be substituted as respondent No.4.

Office is directed to act accordingly.

I.A. No. 131 of 2016 stands disposed.

I.A. No. 4403 of 2014

The instant interlocutory application has been preferred for extension of time for depositing the required court fee.

At the very outset, Mr. P.C. Roy, learned counsel for the appellants submits that defect as pointed out by the office regarding court fee has already been removed as amount has already been deposited, which finds mentioned as per office report also and as such, this interlocutory application has become infructuous and wants to withdraw the same.

In view of the submissions of the learned counsel for the appellants, I.A. No.4403 of 2014 stands dismissed as withdrawn.

F.A. No.27 of 2014

Heard the parties.

Admit.

Since the respondents have already appeared, notices are not required to be sent.

LCR is called from the learned court below concerned.

Put up this case after eight weeks.

(Dr. S.N. Pathak, J.)