

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No. 202 of 2007

Rajendra Tiwari & Ors.				Appellants
<i>Versus</i>				
Mosmat Uma Kuar & Ors.				Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants	: Mr. R.R. Tiwari, Advocate
For the Respondents	: None

Order No.09 Dated- 16.11.2022

I.A. No.10149 of 2022

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.2- Ajit Tiwari who died on 04.12.2021 leaving behind his only seven legal representatives whose names, parentage and addresses have been mentioned at paragraph no.5. It is next submitted that the appellant no.5 who is the *Parivikar* of all the appellants was out of state and rest of the appellants were not aware about the day to day proceedings of the appeal as they were dependent upon the appellant no.5 so far as the looking after of the proceedings of this appeal is concerned and the appellants also could not immediately know about the death of the respondent no.2 and the same resulted in delay in filing the petition for substitution. It is further submitted that unless the delay is condoned and the abatement if any, is set aside and the prayer to substitute the only seven legal representatives of the deceased respondent no.2- Ajit Tiwari is allowed, the appellants will be highly prejudiced.

Considering the aforesaid facts and circumstances of the case, the delay in filing the petition for substitution is condoned and the abatement, if any, is set aside and the prayer to substitute the only seven legal representatives of the deceased respondent no.2- Ajit Tiwari whose names, parentage and addresses have been mention in paragraph -5 of this interlocutory application as respondent nos. 2 (a) to 2 (g) is allowed.

Registry is directed to incorporate the names, parentage and addresses of the said respondent nos. 2 (a) to 2 (g) in the cause title of the appeal memo with red ink and mention the word 'dead' against the name of the deceased respondent no.2- Ajit Tiwari.

This interlocutory application is disposed of accordingly.

(Anil Kumar Choudhary, J.)

S.A. No. 202 of 2007

Issue notice to the respondent nos. 2 (a) to 2 (g).

The appellants are directed to file requisites for service of notice on the respondent nos. 2 (a) to 2 (g) by registered post with A/D as well as under ordinary process within six weeks failing which; this appeal shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

List this appeal after receipt of the service report of the notice issued to the respondent nos. 2 (a) to 2 (g).

Sonu-Gunjan/-

(Anil Kumar Choudhary, J.)