

IN THE HIGH COURT OF JHARKHAND AT RANCHI

F.A No. 9 of 2014

(Central Coalfields Limited Vs. Kaila Manjhi & Ors.)

With

F.A No. 10 of 2014

(Central Coalfields Limited Vs. Kaila Manjhi & Anr.)

With

F.A No. 11 of 2014

(Central Coalfields Limited Vs. Mahesh Manjhi & Ors.)

With

F.A No. 13 of 2014

(Central Coalfields Limited Vs. Karma Manjhi & Ors.)

With

F.A No. 14 of 2014

(Central Coalfields Limited Vs. Sitaram Manjhi & Ors.)

with

F.A No. 22 of 2014

(Central Coalfields Limited Vs. Lalji Manjhi)

With

F.A No. 23 of 2014

(Central Coalfields Limited Vs. Barhan Manjhi)

With

F.A No.24 of 2014

(Central Coalfields Limited Vs. Surjan Manjhi)

With

F.A No. 17 of 2014

(Central Coalfields Limited Vs. Sukhram Manjhi & Ors.)

With

F.A No. 18 of 2014

(Central Coalfields Limited Vs. Ratni Devi & Anr.)

With

F.A No. 15 of 2014

(Central Coalfields Limited Vs. Baksi Manjhi & Ors.)

With

F.A No. 19 of 2014

(Central Coalfields Limited Vs. Shyam Manjhi & Anr.)

With

F.A No. 25 of 2014

(Central Coalfields Limited Vs. Ramlal Manjhi & Ors.)

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

For the Appellant	:	Mr. A.K. Das, Advocate (in all the cases)
		Mr. Anjani Kumar, Advocate
For the Private Resps.	:	Mr. Nanhu Ram, Advocate
For the State	:	Mr. Nawal Kishore Pandey, AC to SC (L& C)-I
		Mr. Sharbil Ahmad, AC to SC (Mines)-I

17/ 11.11.2020 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. 10489 of 2019 in F.A. No.10 of 2014, I.A. No.10486 of 2019 in F.A. No. 11 of 2014, I.A. No.10487 of 2019 in F.A. No.13 of 2014, I.A. No.10478 of 2019 in F.A. No. 14 of 2014, I.A. No.10484 of 2019 in F.A. No.22 of 2014, I.A. No.10477 of 2019 in F.A. No.23 of 2014, I.A. No.10485 of 2019 in F.A. No.24 of 2014, I.A. No.10508 of 2019 in F.A. No.17 of 2014, I.A. No. 10482 of 2019 in F.A.No.18 of 2014, I.A. No.10476 of 2019 in F.A. No.15 of 2014, I.A. No.10481 of 2019 in F.A. No.19 of 2014, I.A. No.10507 of 2019 in F.A. No.25 of 2014

These instant Interlocutory Applications have been filed under Section 5 of the Limitation Act.

It has been submitted by the learned counsel appearing for appellant that there is delay of about 132 days in filing all the aforesaid appeals. He further submits that sufficient cause has been shown in para Nos. 4 onwards of the aforesaid interlocutory applications.

Learned counsel appearing for the private respondents vehemently opposes the contention of the learned counsel for the appellant and submits that respondents are poor persons and just to harass the private respondents, these appellants have deliberately delayed the matter and have preferred these interlocutory applications after 5 years of filing of the instant appeals.

Learned counsel for the respondent-State 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 No.4 onwards of the instant interlocutory applications, this Court is fully satisfied to condone the delay of 132 days in filing all Appeals and as such, same is hereby condoned.

Accordingly, aforesaid interlocutory applications stand allowed.

I.A. No. 11499 of 2019 & I.A.No.11498 of 2019 in F.A. No. 14 of 2014

The Interlocutory Application No.11499/2019 has been filed for condoning the delay in filing the substitution petition in the instant appeal.

It has been submitted by the learned counsel appearing for appellant that sufficient cause has been shown in para Nos. 4 onwards of the aforesaid interlocutory application for condonation of delay, if any, in filing the substitution petition.

Learned counsel appearing for the respondents have no objection to such

contention of the learned counsel for the appellant.

In view of the submissions of the parties and averment made in para No.4 onwards of the instant interlocutory application, this Court is fully satisfied to condone the delay, if any, in filing instant substitution petition and as such, same is hereby condoned.

Accordingly, **I.A. No. 11499 of 2019** stands allowed.

The interlocutory application No.11498 of 2019 is preferred under Order-XXII Rule- 3 of the code of Civil Procedure for substitution of legal heir of respondent No.1.

Learned counsel for the appellants submits that the respondent No.1 namely, Sitaram Manjhi has died during the pendency of the instant appeal. It has further been submitted that deceased, respondent No.1 has left behind the legal representatives, as per details mentioned in para-7 of the substitution petition. It has been prayed that the legal representative named in para-7 may be substituted in place of deceased respondent No.1.

Learned counsel for the respondents have no objection to the same.

In view of submission of learned counsel for the parties, let the name of the deceased respondent No.1, Sitaram Manjhi be deleted from the cause-title of the appeal and in his place, the name of legal heir and successors as per details mentioned in para-7 of the instant interlocutory application be substituted as respondent No.1 by carrying out necessary correction in the cause of the memo of appeal in red ink.

Learned counsel for the appellant shall file requisites etc. for issuance of notices under ordinary process to be served upon the substituted legal heir, within a period of four weeks.

Office is directed to act accordingly.

I.A. No. 11498 of 2016 stands allowed.

I.A. No. 11494 of 2019 & I.A.No.11495 of 2019 in F.A. No. 15 of 2014

The Interlocutory Application No.11494/2019 has been filed for condoning the delay in filing the substitution petition in the instant appeal.

It has been submitted by the learned counsel appearing for appellant that sufficient cause has been shown in para Nos. 4 onwards of the aforesaid interlocutory application for condonation of delay, if any, in filing the substitution petition.

Learned counsel appearing for the respondents have no objection to such contention of the learned counsel for the appellant.

In view of the submissions of the parties and averment made in para No.4

onwards of the instant interlocutory application, this Court is fully satisfied to condone the delay, if any, in filing instant substitution petition and as such, same is hereby condoned.

Accordingly, **I.A. No. 11494 of 2019** stands allowed.

The interlocutory application No.11495 is preferred under Order-XXII Rule- 3 of the code of Civil Procedure for substitution of legal heir of respondent Nos.1 & 2 respectively.

Learned counsel for the appellants submits that the respondent Nos.1 & 2 namely Baksi Manjhi and Kundan Manjhi have died during the pendency of the instant appeal. It has further been submitted that deceased, respondent Nos.1 & 2 have left behind their respective legal representatives, as per details mentioned in para-7 for respondent No.1 and Para-8 for respondent No.2 of the substitution petition. It has been prayed that the legal representatives named in para-7 & 8 may be substituted in place of deceased respondent Nos.1 & 2 respectively.

Learned counsel for the respondents have no objection to the same.

In view of submission of learned counsel for the parties, let the name of the deceased respondent Nos.1 & 2 namely, Baksi Manjhi and Kundan Manjhi be deleted from the cause-title of the appeal and in their place, the name of legal heirs and successors as per details mentioned in para-7 & 8 of the instant interlocutory application be substituted as respondent Nos.1 & 2 respectively by carrying out necessary correction in the cause of the memo of appeal in red ink.

Learned counsel for the appellant shall file requisites etc. for issuance of notices under ordinary process to be served upon the substituted legal heir, within a period of four weeks.

Office is directed to act accordingly.

I.A. No. 11495 of 2019 stands allowed.

I.A. No. 11613 of 2019 in F.A. No. 19 of 2014

The instant interlocutory application is preferred under Order-XXII Rule- 3 of the code of Civil Procedure for substitution of legal heir of respondent No.1.

Learned counsel for the appellants submits that the respondent No.1 namely Shyam Manjhi has died during the pendency of the instant appeal. It has further been submitted that deceased, respondent No.1 has left behind the legal representatives, as per details mentioned in para-7 of the substitution petition. It has been prayed that the legal representative named in para-7 may be substituted in place of deceased respondent No.1.

Learned counsel for the respondents have no objection to the same.

In view of submission of learned counsel for the parties, let the name of the deceased respondent No.1, namely Shyam Manjhi 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-7 of the instant interlocutory application be substituted as respondent No.1 by carrying out necessary correction in the cause of the memo of appeal in red ink.

Learned counsel for the appellant shall file requisites etc. for issuance of notices under ordinary process to be served upon the substituted legal heir, within a period of four weeks.

Office is directed to act accordingly.

I.A. No. 11613 of 2019 stands allowed.

I.A. No. 11496 of 2019 & I.A.No.11497 of 2019 in F.A. No. 25 of 2014

The Interlocutory Application No.11496/2019 has been filed for condoning the delay in filing the substitution petition in the instant appeal.

It has been submitted by the learned counsel appearing for appellant that sufficient cause has been shown in para Nos. 4 onwards of the aforesaid interlocutory application for condonation of delay, if any, in filing the substitution petition.

Learned counsel appearing for the respondents have no objection to such contention of the learned counsel for the appellant.

In view of the submissions of the parties and averment made in para No.4 onwards of the instant interlocutory application, this Court is fully satisfied to condone the delay, if any, in filing instant substitution petition and as such, same is hereby condoned.

Accordingly, **I.A. No. 11496 of 2019** stands allowed.

The interlocutory application No.11497 of 2019 is preferred under Order-XXII Rule- 3 of the code of Civil Procedure for substitution of name of legal heir of respondent No.7.

Learned counsel for the appellants submits that the respondent No.7 namely, Arjun Manjhi has died during the pendency of the instant appeal. It has further been submitted that deceased, respondent No.7 has left behind the legal representatives, as per details mentioned in para-8 of the substitution petition. It has been prayed that the legal representatives named in para- 8 may be substituted in place of deceased respondent No.7.

Learned counsel for the respondents have no objection to the same.

In view of submission of learned counsel for the parties, let the name of the deceased respondent No.7 namely, Arjun Manjhi 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- 8 of the instant interlocutory application be substituted as respondent No.7 by carrying out necessary correction in the cause of the memo of appeal in red ink.

Learned counsel for the appellant shall file requisites etc. for issuance of notices under ordinary process to be served upon the substituted legal heir, within a period of four weeks.

Office is directed to act accordingly.

I.A. No. 11497 of 2019 stands allowed.

F.A. Nos.9, 10, 11, 13, 14, 22, 23, 24, 17, 18, 15, 19 & 25, all of 2014

Put up these cases after three months.

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

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