

IN THE HIGH COURT OF JHARKHAND AT RANCHI

[Civil Appellate Jurisdiction]

S.A. No. 328 of 2004

Ashok Kumar Sao & Ors.

.... ..

Appellant(s)

Versus

Hrishikesh Singh & Ors.

.. ... Respondent(s)

.....
CORAM :HON'BLE MR. JUSTICE KAILASH PRASAD DEO
(Through :-Video Conferencing)

.....
For the Appellant(s) : Mr. Birendra Kumar, Advocate.

For the Resp. 1 & 2 : Mr. Shashank Shekhar Pd., Advocate

.....

06 / 14.01.2021. Heard, learned counsel for the parties.

It appears that the instant Second Appeal has been admitted by the Coordinate Bench of this Court vide order dated 01.04.2009 though I.A. No.2401 of 2004 has been filed by the appellants to ignore the defect Nos.2 and 3.

Defect No.2 and 3 are as follows :- Defect No.2 i.e. Name of appellant Nos.1, 3 and 4 and resp.9 of memo does not find place in C.C. of decree u/a and defect No.3 i.e. name of appellant Nos.1, 3 of C.C. of decree u/a does not find place in memo. However, a note has been given at P-3 by the learned advocate.

Considering the same, in view of the averment made in paras 3, 4, 5 and 6 of I.A. No.2401 of 2004, the defect(s) pointed by the Stamp reporter are hereby ignored for the present.

However, learned counsel for the respondents is at liberty to file any application, if their right is prejudiced because of the defect(s) are being ignored for the present.

I.A. No.2401 of 2004 stands allowed.

It appears from the office notes dated 08.01.2021 that notice was issued upon respondent Nos.1 to 3 and 5 to 9 under ordinary process in compliance of the order dated 01.04.2009.

Vakalatnama on behalf of respondent Nos.1 and 2 has been filed.

So far notices upon respondent Nos.3 to 9 are concerned,it appears that :-

Notice upon respondent No3 has been received by his brother, namely, 'Ajay Singh'.

Notice upon respondent No5 has been received by Head Clerk of the office.

Notice upon respondent No.6 has been received by by Head Clerk of the office.

Notice upon respondent No.7 has been received by his son.

Notice upon respondent No.8 has been received by her son and

Notice upon respondent No.9 has been received by his brother, namely, Gautam Saw.

Considering the same, notice upon respondent Nos.3, 5, 6, 7, 8, and 9 are considered to be validly served.

It further appears that L.C.R. has already been received in this case.

(Kailash Prasad Deo, J.)

Sandeep/R.S.