

IN THE HIGH COURT OF JHARKHAND AT RANCHI

S.A. No. 640 of 2015

Shatrughan Hazra & Ors. Appellants

Versus

Ghanshyam Hazra & Ors. Respondents

CORAM : HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellants : Mrs. Jasvindar Mazumdar, Advocate

For the Res. No. 2,3,6,7,8,9

& 12 to 20

: Mr. A.K.Sahani, Advocate

: Mr. Vikesh Kumar, Advocate

Order No. 14/ dated 22.04.2025

On call, learned Counsel for the appellant and the learned Counsel for the Respondent No. 2,3,6,7,8,9 & 12 to 20 Shree Vikesh Kumar appeared.

I.A. No. 7521 of 2024

2. Learned Counsel for the appellant is directed to make necessary correction in the cause title of **I.A.No. 7521 of 2024** in course of the day.

3. The instant Interlocutory Application has been filed under Section 5 of the Limitation Act for condonation of delay in filing the substitution application. The cause of delay has been mentioned at para 6 to 8 of this I.A.

4. The learned Counsel for the respondent has no objection for the same.

5. In view of reason assigned in the petition, it appears that the sufficient cause has been shown for condonation of delay. Therefore, the aforesaid **I.A.No. 7521 of 2024** is allowed. Delay in filing the substitution application is condoned.

I.A.No. 3289 of 2024

6. The learned Counsel for the appellant has pressed the instant Interlocutory Application wherein it is informed that appellant No. 2, 10 and

54 have been died during pendency of this appeal leaving behind their respective legal heirs mentioned at para 2, 4 and 9 of the I.A.

7. It is further informed that appellant No.12 has been died leaving behind his legal heirs and representatives who are already party as appellant No. 13,14,15 and 16. Therefore, his name may be deleted from the cause title of the memo of appeal and there is no requirement of substitution of proposed legal heirs who are already on record.

8. It is further submitted that appellant No.8, 27, 32 and 53 have died leaving behind no legal heirs/representatives. Therefore, their names may be deleted from the cause title of the memo of appeal.

9. Let the name of appellant No. 8, 12, 27, 32 and 53 be deleted from the cause title and the proposed heirs of deceased appellant No.2, 10 and 54 mentioned at para 2, 4 and 9 of **I.A.No.3289 of 2024** be impleaded in the memo of appeal.

10. Accordingly, I.A.No. 3289 of 2024 is allowed.

11. It is further submitted by learned Counsel for the respondent that copy of substitution applications i.e. I.A.No.3288 of 2024 & I.A.No.3289 of 2024 have not been received. Hence appellant may be directed to furnish the copy of the same for facilitating the hearing of the same.

12. The appellant is directed to serve the copy of I.A.No. 3288 of 2024 & I.A. No. 3289 of 2024 to the learned Counsel for the respondents.

13. Put up this case on 06.05.2025.

(Pradeep Kumar Srivastava, J.)

P.K.S.