

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Appellate Jurisdiction)
S. A. No. 368 of 2004

.....
Jugeshwar Mishra & Others Appellants
Versus
Tohan Baraik & Others Respondents

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

.....
For the Appellants : Mr. Vikash Kishore Prasad, Advocate.
For the Respondents : Mr. Anil Kumar Ganjhu, Advocate.
.....

13/07.01.2021

Learned counsel for the appellants, Mr. Vikash Kishore Prasad has submitted that though the appeal has been admitted on 30.09.2005, but why the appeal has been listed under the hearing for orders, he could not ascertain because of lock down due to Covid-19.

Learned counsel for the respondents, Mr. Anil Kumar Ganjhu has submitted that copy of the interlocutory application may be served.

Considering such prayer, office note is reproduced herein below as the court is functioning through video conferencing so as to verify by the learned counsel for the appellants.

Reg. Order no.12, dated 20.07.2017:-

In view of order dated 12.07.2017 & 20.07.2017, Ld. Advocate for the appellant has not been filed death certificate as yet as per computer enquiry.

Ld. Advocate has been filed Vakalatnama for legal heirs of deceased Appellant no. 1 vide order dated 29.10.2015 (Kept at Flag "V1").

I.A. No. 5541/2014 (Kept at Flag "S") to substitute legal heirs of Appellant no. 1.

Copy served.

I.A. No. 5539/2014 (Kept at Flag "L") being an application under section 5 of the Limitation Act to condone the delay of 188 days in filing the substitution petition of the deceased Appellant no. 1.

Copy not served.

Humble rejoinder on behalf of the respondents to the I.A. no. 5541 of 2014 of Appellant has been filed and (Kept at Flag "R-2").

Copy served.

I.A. No. 5540/2014 (Kept at Flag "R") being an application under section 151 of the Code of Civil Procedure to restrain the respondents including Rama Kant Tiwari, the Officer-in-Charge of Palkot Thana No. 64 to interfere with the appellants peaceful possession over the lands of Khata No. 135, Plot no. 4073, having an area of 70 decimals.

Copy served

Humble rejoinder on behalf of the respondents to LA. No. 5540 of 2014 of Appellant has been filed & (Kept at Flag "R-1").

Copy served.

I.A. No.- 2730/2004 (Kept at Flag "A") being an application under Order-41 Rule- 5 of the Code of Civil Procedure to stay all further proceeding in Execution Case No. 05 of 2004 pending in the Court of Munsiff, Gumla.

Copy not served.

Kindly refer, order dated 30.09.2005 & 30.11.2005, stay related order has been passed but instant I.A. is still pending.

(This appeal admitted on 30.09.2005).

L.C.R. received and kept in section.

Submitted before the Hon'ble bench for "Orders".

Learned counsel for the appellants is directed to comply the same.

Put up this case after four weeks, so as to enable the learned counsel for the respondents to file rejoinder if requires.

(Kailash Prasad Deo, J.)

Sunil-Jay/