

IN THE HIGH COURT OF JHARKHAND AT RANCHI

F.A. No. 133 of 2023

With

I.A. No. 8142 of 2024

Subash Agarwal **Appellant**
Versus
Shiv Kumar Agarwal and Ors. **Respondents**

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Appellant : Ms. Trishna Sagar, Advocate
For the Resp. No. 1 : Mrs. Prerna Jhunhunwala, Advocate

18/05.05.2026

Learned counsel for the appellant and respondent no. 1 are present.

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2. This interlocutory application has been filed for deleting the name of respondent no. 11 with a prayer for condonation of delay in filing the petition and also with a prayer to recall the order dated 11.07.2024 wherein it was recorded that the appeal has abated as against respondent no. 11.

3. Learned counsel for the appellant has submitted that the respondent no. 11 died in the year 2019 and all the legal heirs of respondent no. 11 are already on record who are respondent nos. 12 to 16.

4. Considering the fact that the legal heirs and successors of respondent no. 11 are already on record, the I.A. No. 8142 of 2024 is allowed.

5. Learned counsel for the appellant is directed to delete the name of respondent no. 11 from the cause-title in red ink.

6. Consequently, the order dated 11.07.2024 to the extent it records that the appeal has abated in connection with respondent no. 11, is recalled.

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7. As per the office note, notice has been served upon respondent nos. 2 to 10, 12 to 14 and 17. However, it has already been recorded in the order dated 09.04.2025 that respondent no. 2 has expired.

8. Considering the service report, the notice upon respondent nos. 3 to 10, 12 to 14 and 17 is accepted as validly served.
9. So far as respondent no. 15 is concerned, the notice was already accepted as validly served vide order dated 09.04.2025.
10. Further, as per the office note, the tracking report with respect to the notice issued upon respondent no. 16 shows that it has been delivered.
11. Accordingly, the notice upon respondent no. 16 is also accepted as valid.
12. Learned counsel for the appellant undertakes to serve the copy of the entire records of this case to the learned counsel appearing on behalf of the respondent no. 1.
13. Post this case on 10th June, 2026 under appropriate heading.
14. In the meantime, let the records in connection with Original Suit No. 29 of 2018 arising out of Probate Case No. 23 of 2017 be called for from the court of learned Principal District Judge, East Singhbhum, Jamshedpur.
15. Let this order be communicated to the learned court concerned through 'FAX/email'.

(Anubha Rawat Choudhary, J.)

Pankaj