

IN THE HIGH COURT OF JHARKHAND AT RANCHI

M.A. No. 59 of 2017

Manoj Kumar @ Manoj Kumar Sharma & Ors.....**Appellants**

Versus

Surya Bhan Sharma & Ors.....

Respondents

.....

Coram: Hon'ble Mr. Justice Ananda Sen

Through: Video Conferencing

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For the Appellants : Mr. Ashok Kumar, Advocate

For Respondent No. 5 : Mr. S.K.Tiwari, Advocate

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I.A. Nos. 3755 of 2022 & 4144 of 2022

16/11.05.2022 By filing I.A. No. 3755 of 2022, it has been intimated that Respondent Nos. 6 & 7 namely, Ashok Kumar Mehta and Inder Kumar Mehta respectively have expired on 06.10.2014 and 07.03.2022 respectively. I.A. No. 4144 of 2022, has been filed pursuant to the said intimation praying therein to delete the name of Respondent No. 6 and to substitute Respondent No. 7.

It has been submitted that the legal heirs of deceased Respondent No. 6 Ashok Kumar Mehta, is already on record. Thus, the name of Respondent No. 6 needs to be deleted.

Further, it has been brought to the notice that Respondent No. 7 has died on 07.03.2022, leaving behind his son Mohit Mehta and a daughter Prachi Mehta. It has been prayed that since right to sue survives Respondent No. 7 be substituted by his son Mohit Mehta and daughter Prachi Mehta.

The substitution application is within time.

After hearing the parties and after going through the records, I find that right to sue survives and devolves upon the legal heirs, i.e. the son and daughter of the deceased Respondent No. 7. Thus, I.A. No. 4144 of 2022 is allowed. Let the name of Respondent Nos. 6 and 7 be deleted from the array of respondents and Respondent No. 7 be substituted by his son Mohit Mehta and daughter Prachi Mehta.

Necessary correction in the cause title of the main appeal is to be carried out by the counsel for the appellant within two weeks in 'red ink'.

I.A. Nos. 3755 of 2022 and 4144 of 2022, stand disposed of.

M.A. No. 59 of 2017

Issue notice to the newly substituted respondents, for which requisite etc. under registered cover with A/D as well as through Ordinary process must be filed by 10th June, 2022.

(Ananda Sen, J)