

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Second Appeal No. 632 of 2015

Banshi Mahto & Others

... .. Appellants

Versus

The State of Jharkhand through the Deputy Commissioner, Chatra & Others

.... Respondents

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellants

: Mr. Sachi Nandan Das, Advocate

Mr. Om Prakash Singh, Advocate

For the Respondent Nos. 1 & 2 : Mr. Pankaj Kumar Choudhary,

[A.C. to S.C (L & C)-II]

16/Dated: 8th May, 2025

I.A. No. 10437 of 2024

1. Learned counsel for the appellants has filed the instant interlocutory application under Order XXII Rule 4 of CPC, 1908 with a prayer to delete/expunge the name of respondent No.3, Vijay Singh Yadav (since deceased) from the record of this memo of appeal, who was party in Title Suit No.21 of 2015 under the capacity of officers/employees of the Forest Department.
2. Learned counsel for the appellants has further submitted that on earlier occasions i.e. 11.09.2019, 24.03.2022, 06.02.2023 and 26.07.2023, several notices were issued to the respondent No.3 but no one appeared to represent him. Learned counsel for the appellants has further submitted that the defendant/respondent No.3, Vijay Singh Yadav had died during pendency of this appeal, which is apparent from the office note dated 29.09.2023. It is further submitted that the defendant/respondent No.3 was the forester and acted on behalf of the State of Jharkhand, who has no individual interest in this case nor any individual relief is claimed against him. Hence, the name of defendant No.3, Vijay Singh Yadav may be deleted/expunged from the record of this memo of appeal since the State of Jharkhand and other defendants/respondents are sufficiently representing the interest of other respondents, allowing this interlocutory application.
3. Learned counsel for the respondents has raised no serious objection.
4. Considering the facts and circumstances of the case, the name of respondent no.3 (Vijay Singh Yadav) in this second appeal is hereby, deleted/expunged.

5. Accordingly, this interlocutory application is allowed.
6. Registry is directed to delete the name of the deceased respondent No.3 from the cause title in “Red Ink” and mention the word ‘dead’ against the name of the deceased respondent No.3.

S.A. No. 632 of 2015

7. Both learned counsel for the parties are directed to submit written short notes of arguments in this case along with relevant judgment(s), if any, which they intend to rely on.
8. Let the matter be posted on 07.07.2025.

(Pradeep Kumar Srivastava, J.)

Pappul/-