

IN THE HIGH COURT OF JHARKHAND AT RANCHI
F.A. No. 92 of 2022

Rajesh Kumar Agarwal & Ors. Appellants
Versus
The Divisional Forest Officer, Seraikella & Anr.
..... Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants : Mr. Kumar Vaibhav, Advocate
For the Respondents : Mr. Krishna Kumar Bhatt, A.C. to S.C.-I

Order No.04 Dated- 02.02.2023

I.A. No.9467 of 2022

The learned counsel for the appellants submits that this interlocutory application has been filed with a prayer for directing for expunging the name of the appellant no.5 -Mst. Mani Devi who died on 11.08.2020 after pronouncement of the judgment in Original Suit No. 21 of 2014 dated 17.06.2022. It is next submitted that the appellant no.5 has left behind her only two legal representatives who are already parties to this appeal being the appellant nos. 6 & 7.

Perusal of the record reveals that as the appeal has been presented by a dead person namely Mani Devi arranging her as appellant no.5 and within bracket mentioning that she is dead now.

It is a settled principle of law that a dead person cannot sue or be sued. The second part of the defect pointed out by the stamp reporter at serial no.1 is that proper steps may be taken for substitution. Since a dead person cannot sue or be sued, so the question of substitution of a person who was already dead on the date of presentation of the appeal does not arise. To that extent, the objection raised by the stamp reporter is overruled.

The appellants are directed to remove the remaining defects, as pointed out by the stamp reporter within four weeks, failing which, this appeal shall stand dismissed without further reference to the Bench.

This interlocutory application stands disposed of accordingly.

List this First Appeal after removal of the defects.