

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No. 156 of 2012

Basu Pandit & Ors.	....	....	....	Appellants
<i>Versus</i>				
Govind Pandit & Ors.	....	....	....	Respondents
With				
S.A. No. 110 of 2012				

Anand Pandit & Ors.		....	....	....	Appellants
	<i>Versus</i>				
Govind Pandit & Ors.		....	....	....	Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants : Mr. Ayush Aditya, Advocate
(In S.A. No. 156 of 2012)
: Mr. Om Prakash Singh, Advocate
(In S.A. No. 110 of 2012)

For the Respondents : Mr. Om Prakash Singh, Advocate
(In S.A. No. 156 of 2012)
: Mr. Ayush Aditya, Advocate
(In S.A. No. 110 of 2012)

Order No.11 Dated- 06.08.2024

I.A. No.3759 of 2024 (In S.A. No. 156 of 2012)

Learned counsel for the appellants submits that this interlocutory application has been filed with a prayer to substitute the legal representatives of the deceased respondent no.13- Duliya Devi who died on 17.06.2018 leaving behind her only six legal representatives whose names, parentage and addresses have been mentioned at paragraph no.11 of this interlocutory application. It is next submitted that the appellants were not aware about the death of respondent no.13, hence they could not take immediate steps for substitution of the legal representatives of the deceased respondent no.13 and unless the delay in filing the petition for substitution is condoned, the abatement of the appeal against the respondent no.13 is set aside and the prayer to substitute the only six legal representatives of the deceased respondent no.13 is allowed, the appellants will be highly prejudiced.

Considering the aforesaid facts and circumstances of the case, the delay in filing the petition for substitution is condoned and the

abatement of this appeal against the deceased respondent no.13 is set aside and the prayer to substitute the only six legal representative of the deceased respondent no.13 whose names, parentage and addresses have been mentioned at paragraph -11 of this interlocutory application as respondent nos. 13 (a) to 13 (f) is allowed.

Registry is directed to incorporate the names, parentage and addresses of the said respondent nos. 13 (a) to 13 (f) in the cause title of the appeal memo with red ink and mention the word 'dead' against the name of the deceased respondent no. 13.

This interlocutory application is disposed of accordingly.

(Anil Kumar Choudhary, J.)

S.A. No. 156 of 2012

With

S.A. No. 110 of 2012

Heard the parties.

Mr. Om Prakash Singh, the learned counsel appearing for the appellants in S.A. No. 156 of 2012 and for the respondents in S.A. No. 110 of 2012 submits that the respondent no.2 of both these appeals namely Ganesh Pandit has died on 14.05.2024.

Notice issued to the respondent no. 8(i) of Second Appeal No. 156 of 2012 has not been validly served.

Issue notice to respondent nos. 8(i) and 13(a) to 13(f) of Second Appeal No. 156 of 2012 and respondent nos. 3, 6 & 7 of Second Appeal No. 110 of 2012.

The appellants of both these appeals are directed to file fresh requisites for service of notice on the respondent nos. 8(i) and 13(a) to 13(f) of Second Appeal No. 156 of 2012 and respondent nos. 3, 6 & 7 of Second Appeal No. 110 of 2012 by registered post with A/D as well as under process of the court within two weeks failing which; these appeals shall stand dismissed without further reference to the Bench.

Rule is made returnable within six weeks.

In case, the requisites are filed, list these appeals after receipt of

the service report of the notice issued to the respondent nos. 8(i) and 13(a) to 13(f) of Second Appeal No. 156 of 2012 and respondent nos. 3, 6 & 7 of Second Appeal No. 110 of 2012.

Sonu-Gunjan/-

(Anil Kumar Choudhary, J.)