

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Civil Revision No. 61 of 2018

Amrit Sao

... .. **Petitioner**

Versus

Ashok Sao & Ors.

... .. **Opp. Parties**

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner

: Mr. Ramawatar Choubey, Advocate

: Mr. Riday Mukherjee, Advocate

For the Opp. Parties

:

Order No. 14/ Dated: 30th June, 2025

I.A. No. 1289 of 2019:-

1. Heard learned counsel for the petitioner.
2. *Vakalatnama* on behalf of the opposite party Nos. 1, 3 & 5 has been filed, however, no *Vakalatnama* has been filed on behalf of opposite party No. 4 but the service of notice upon all the opposite parties has validly been served as per office report.
3. Heard on the point of limitation, it is submitted by learned counsel for the petitioner that there is only one day delay in filing this revision application.
4. It is further submitted that in obtaining the certified copy of some documents, the said delay was occurred and hence, this revision could not be filed within the prescribed time.
5. Considering the submissions and reasons of the learned counsel for the petitioner, I.A. No. 1289 of 2019 is hereby allowed. Delay in filing the substitution application is also condoned.

I.A. No. 4866 of 2022:-

6. The present interlocutory application has been filed on behalf of the petitioner for condonation of delay of 1313 days in filing the substitution petition for substituting the names of legal representatives of the opposite party No.2.
7. It is submitted that there is delay of 1313 days in filing the substitution application. The main reason for delay is that the petitioner had no knowledge about the death of the opposite party No.2. Thereafter, on 06.05.2022, when the petitioner came to know about the death of the opposite party no. 2 through service report of the notice, the substitution petition was immediately filed. Therefore,

delay caused in filing the substitution application is not deliberate; rather the petitioner was prevented from sufficient reasons to file the said application and hence, the present petition may be allowed.

8. Considering the submissions and reasons of the learned counsel for the petitioner, I.A. No. 4866 of 2022 is hereby allowed, delay in filing the substitution application is condoned.

I.A. No. 4867 of 2022:-

9. The present interlocutory application has been filed on behalf of the applicants for substitution of the names of legal heirs/representatives of the opposite party no. 2.
10. It is submitted that the opposite party no.2 namely Vinod Sao died on 29.10.2018 leaving behind his 3 legal representatives, the names of whom are mentioned at paragraph no. 4 of the present interlocutory application.
11. No objection has been raised on behalf of opposite parties on aforesaid contentions.
12. Considering the submissions and reasons of the learned counsel for the petitioner, I.A. No. 4867 of 2022 is hereby allowed.
13. Let the name of substituted heirs of opposite party no.2 may be incorporated in the cause title of revision in course of the day.

Civil Revision No. 61 of 2018:-

14. Issue notice to the newly impleaded opposite party nos. 2 to 2(ii) under registered cover with A/D as well as through ordinary process for which requisites etc. must be filed by the petitioner within two weeks.
15. List this case after receipt of service report.

(Pradeep Kumar Srivastava, J.)

Arpit