

IN THE HIGH COURT OF ORISSA AT CUTTACK

SA No.280 of 2000

Sridhar Das & Others

Appellant(s)

Mr. A.K. Mishra, Adv.

-versus-

Raghunath Mishra & Others

....

Respondent(s)

None

**CORAM:
MR. JUSTICE A.C. BEHERA**

**ORDER
09.01.2024**

Order No.

- 08.
1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
 2. The learned counsel for the appellants filed a memo stating that appellant No.3 has expired leaving behind her LRs and they are in the record i.e. appellant Nos.1 and 2. For which, the question of substitution of her LRs does not arise.
 3. Therefore, the Registry is directed to make an endorsement against the name of appellant No.3 as dead in the red ink.
 4. List this matter on 15.03.2024.

**(A.C. Behera)
Judge**

Rati Ranjan

M.C. Nos.28 & 29 of 2018

- 1 These above 2 Misc. Cases have been filed on behalf of the appellants under Order 22 Rule 4 (4) of the CPC to exempt the

appellants from substituting the LR's of deceased respondent Nos.6 and 7.

Because, the respondent No.6 was defendant No.9 in the suit and she was the respondent No.6 in the 1st Appeal. Likewise, the respondent No.7 was the defendant No.10 in the suit and she was the respondent No.7 in the 1st Appeal and the said respondent Nos.6 and 7 were set ex-parte in the trial court and they had also not contested in the 1st Appellate Court.

For which, the appellants have filed the above 2 Misc. Cases vide Misc. Case Nos.28 and 29 of 2019 with a prayer under Order 22 Rule 4 (4) of the CPC with a prayer to exempt the appellants from substituting the LR's of the deceased respondent Nos.6 and 7.

2. So, by taking the aforesaid submissions of the learned counsel for the appellants into account, the Misc. Case Nos.28/2018 and 29/2018 filed on behalf of the appellants are allowed.

3. The appellants are exempted from substituting the LR's of the deceased respondent Nos.6 and 7.

4. Accordingly, the above 2 Misc. Cases are disposed of finally.

Rati Ranjan

(A.C. Behera)
Judge