

IN THE HIGH COURT OF ORISSA AT CUTTACK

R.S.A. No.375 of 2004

Panchanan Dehury & Others

....

Appellants

Mr. A.K. Nath, Advocate

-Versus-

Udhaba Dehury

....

Respondent

Mr. N.P. Parija, Advocate

CORAM:
MR. JUSTICE R.K. PATTANAIK

ORDER
05.05.2023
I.A. No. 63 of 2013

Order No.

06.

1. Instant I.A is for substitution of the LRs of deceased respondent No.1.
2. Learned counsel for the appellants submits that respondent No.1 died on 6th November, 2017 which is within the time.
3. An objection is received from learned counsel for the respondent who submits that there has been delay since the petition for substitution in terms of Order 22 Rule 4 CPC is filed nearly after two years. In response to the above, learned counsel for the appellants submits that he would take steps for filing petitions for setting aside abatement and condoning the delay whatever resulted while applying for substitution vis-à-vis deceased respondent No.1 and on such ground prays for time.
4. Consequently, the matter is adjourned.

5. List on 16th May, 2023 along with RSA No. 376 of 2004.

Balaram

(R.K. Pattanaik)
Judge

