



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**RSA No. 204 of 2012**

**Radhanath Das**

.....

**Appellant**

Mr. S.P. Mishra, Adv.

-Versus-

**Bansidhar Das & Others**

.....

**Respondent**

Mr. J.R. Dash, Adv.

**CORAM:**

**THE HON'BLE MR. JUSTICE SASHIKANTA MISHRA**

**ORDER**

**24.02.2025**

**I.A. No. 427 of 2024**

**Order No.**  
**14.**

1. These matters are taken up through hybrid mode.
2. This is an application for condonation of delay in filing the application for substitution of the appellant. It is stated that the sole appellant Radhanath Das died on 08.03.2021, which was disclosed by his son to the conducting counsel on 20.03.2024.
3. It is submitted that the fact of death of his father could not be brought to the notice of the conducting counsel due to various reasons including the situation arising out of Covid-19 pandemic. It is further stated that the right to sue survives in respect of the legal heirs of the appellant and they would be seriously prejudiced if the delay is not condoned.
4. Learned counsel for the respondents opposes the application by submitting that the delay has not been properly explained.
5. Considering the submissions and on going through the materials on record including the grounds cited, I am inclined to take a lenient view. The delay in filing of the application for substitution is hereby condoned subject to payment of Rs.2,000/- (Rupees Two Thousand),



which shall be paid to the Odisha High Court Bar Association Welfare Fund and receipt be produced before this Court within a week.

6. I.A. is allowed.
7. Delay in filing of the appeal is condoned

**(Sashikanta Mishra)**  
**Judge**

**I.A. No. 426 of 2024 &**  
**I.A. No. 425 of 2024**

**Order No.**  
**15.**

1. These are applications for setting aside the order of abatement of the appeal in respect of sole appellant, who died on 08.03.2021 and for substitution of his legal heirs.
2. Since the delay in filing of these applications has been condoned and the legal heirs of the deceased appellant have the right to sue, I am inclined to take a lenient view. The applications are allowed. The order of abatement of the appeal is set aside. The application for substitution is allowed.
3. The L.Rs. of the deceased appellant as indicated in the application be substituted in his place as appellant Nos.1(a) to 1(f).
4. I.As. are disposed of.

**(Sashikanta Mishra)**  
**Judge.**

**RSA No. 204 of 2012**

**Order No.**  
**16.**

1. List this matter in the week commencing 7<sup>th</sup> April, 2025.
2. Consolidated cause title be filed in the meantime.

**(Sashikanta Mishra)**  
**Judge**

A.K. Rana

Signature Not Verified

Digitally Signed  
Signed by: AJAYA KUMAR RANA  
Designation: Personal Assistant  
Reason: Authentication  
Location: High Court of Orissa, Cuttack  
Date: 25-Feb-2025 16:54:54

