



IN THE HIGH COURT OF ORISSA AT CUTTACK

R.S.A. No.362 of 2016

Sri Udaynath Sahu

.....

Appellant

Represented by
Mr.R. Mohanty, Advocate

-versus-

Sri Sisira Kanta Sahu

.....

Respondent

Represented by none

CORAM:

THE HON'BLE MR. JUSTICE SASHIKANTA MISHRA

ORDER

23.6.2025.

Order No.

I.A. No.251/2025

2. 1. This matter is taken up through hybrid mode.
2. This is an application for condonation of delay in filing the petition for substitution of the sole Appellant, who is said to have died on 28.4.2024. It is stated that the appellant being bed-ridden because of his old age and other ailments could not inform his legal heirs about the progress of the case. As such they were unaware of the case and came to know about it much later whereupon they contacted the conducting counsel and file



petition for substitution. It is further stated that the delay is not willful or deliberate but due to the above compelling reasons.

3. Having regard the submission as above, the delay in filing the substitution petition is condoned subject to payment of cost of a book on any legal topic of the choice of the appellant's counsel to be donated to the Orissa High Court Bar Association Library and its receipt being filed before this Court.

4. The I.A. is allowed.

(Sashikanta Mishra)
Judge

I.A. No.250/2025

- 03.
1. This matter is taken up through hybrid mode.
 2. Since the delay in filing of the application for substitution has been allowed, the order of abatement is set aside.
 3. The I.A. is disposed of.

(Sashikanta Mishra)
Judge

I.A. No.249/2025

- 04.
1. This matter is taken up through hybrid mode.



2. It is stated that the sole Appellant (Udayanath Sahoo) died on 28.4.24. The present application has been filed for substitution of his legal heirs as Appellant Nos.1(a) to 1(f) in his place. Since right to sue survives, the petition for substitution is allowed. The proposed legal heir as per the I.A. be impleaded as Appellant Nos.1(a) to 1(f) in place of the sole Appellant.

3. Learned counsel for the appellants shall file the consolidated Appeal Memo amending cause title after serving copy on the learned counsel appearing for the other Respondents within three working days.

4. The I.A. is disposed of.

(Sashikanta Mishra)
Judge

R.S.A. No.362 of 2016

- 05.
1. This matter is taken up through hybrid mode.
 2. List this matter in the week commencing 28.7.2025.

(Sashikanta Mishra)
Judge

AKB