



IN THE HIGH COURT OF ORISSA AT CUTTACK

R.S.A. No.337 of 2019

Parshuram Giri and others

.....

Appellants

Represented by
Mr.S. Mishra, Advocate

-versus-

Manmath Giri and others

.....

Respondents

Represented by
Mr. P.K.Satapathy,
Advocate

CORAM:

THE HON'BLE MR. JUSTICE SASHIKANTA MISHRA

ORDER
12.5.2025.

Order No.

I.A. No.1530 of 2024

9. 1. This matter is taken up through hybrid mode.
2. This is an application for condonation of delay in filing the petition for substitution vice Respondent No.1. It is stated that Respondent No.1(Manmath Giri) died on 11.2.2021. It is stated that the Appellant No.1 is looking after the case but being of advanced age and ill health he was unable to keep track of the proceeding. Moreover, Respondent No.1 died during Covid-19



pandemic. Under such circumstances, steps for substitution could not be taken within time.

3. Learned counsel appearing for the P.L.Rs. of Respondent No.1 opposes the prayer for condonation of delay by submitting that the delay has not been properly explained.

4. After considering the rival submissions and the grounds raised, the delay is condoned subject to the condition that the appellant shall pay the cost of a book on any legal topic to be donated to the Orissa High Court Bar Association Library and receipt thereof being filed before this Court.

5. The I.A. is disposed of.

(Sashikanta Mishra)
Judge

I.A. No.1529 of 2024

- 10.
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.1528 of 2024**

11. 1. This matter is taken up through hybrid mode.
2. It is stated that the Respondent No.1 (Manmath Giri) died on 11.2.2021. The present application has been filed for substitution of his legal heirs as Respondent Nos.1(a) to 1(c) in his place. Since right to sue survives, the petition for substitution is allowed. The proposed legal heir as per the Schedule of the I.A. be impleaded as Respondent Nos.1(a) to 1(c) in place of the Respondent No.1.
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

I.A. No.1534 of 2024

12. 1. This matter is taken up through hybrid mode.
2. This is an application for condonation of delay in filing the petition for substitution vice Respondent No.5. It is stated that Respondent No.5(Bansidhar Giri) died on 13.9.2021. It is stated that the Appellant No.1 is looking after the case but



being of advanced age and ill health, he was unable to keep track of the proceeding. Under such circumstances, steps for substitution could not be taken within time.

3. Learned counsel appearing for the P.L.Rs. of Respondent No.5 opposes the prayer for condonation of delay by submitting that the delay has not been properly explained.

4. After considering the rival submission and the grounds raised, the delay is condoned.

5. The I.A. is disposed of.

(Sashikanta Mishra)
Judge

I.A. No.1533 of 2024

- 13.
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.1532 of 2024

- 14.
1. This matter is taken up through hybrid mode.
 2. It is stated that the Respondent No.5 (Bansidhar Giri) died on 13.9.2021. The present application has been filed for substitution of his legal heirs as Respondents in his place.
 3. The prayer for substitution is allowed. The proposed legal heirs as per schedule to the I.A. be impleaded as Respondent Nos.5(a) to 5(d) in place of the Respondent No.5.
 4. 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.
 5. The I.A. is disposed of.

(Sashikanta Mishra)
Judge

R.S.A. No.337 of 2019

- 15.
1. This matter is taken up through hybrid mode.
 2. List this matter in the month of September, 2025.

AKB

(Sashikanta Mishra)
Judge