

**Court No. - 42**

**Case :-** SECOND APPEAL No. - 1868 of 1981

**Appellant :-** Chanda And Others

**Respondent :-** Kabil Singh And Another

**Counsel for Appellant :-** H.N.Sharma,Pradeep Kumar Rai

**Counsel for Respondent :-** Ruduvant Pratap Singh

**Hon'ble Ved Prakash Vaish,J.**

Sri Pradeep Kumar Rai, counsel for the appellants and Sri R.P.Singh, counsel for the respondent are present.

Counsel for the appellants submits that appellant no. 2 has died and an application for substitution of his legal heirs bearing Civil Misc. Substitution Application No. 73701 of 1997 was filed. As per office report, notice sent to the proposed legal heirs of the deceased respondent have not been received back after service.

Learned counsel for the appellants submits that as per the Allahabad High Court Rules if the steps have been taken and notice has not received back, it (notice) shall be deemed to have been served.

In my view, there is no such rule that in case, steps are taken by the appellant, the notice is deemed to have been served on the respondents.

Issue fresh notices to the proposed legal heirs of respondent no. 2 for 26.4.2018.

Steps be taken within two weeks.

List on 26.4.2018.

(Ved Prakash Vaish, J.)

**Order Date :-** 8.3.2018

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