

**Court No. - 38**

**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 J.J. Munir,J.**

**Order on Civil Misc. Substitution Application No. 73701 of 1997**

Civil Misc. Substitution Application No. 73701 of 1997 is not properly drawn up in the sense that the names of proposed heirs and legal representatives of deceased respondent No. 2 have not been mentioned in the application, that is to say, its prayer clause or in its paragraphs. It also does not indicate the proposed appropriate substituted number, assigned to those heirs.

The learned counsel for the applicant shall file a redrawn application in place of Civil Misc Application No. 73701 of 1997 which shall carry the names of proposed heirs of respondent no. 2 and the array of parties properly numbered in the manner proposed, incorporating also the proposed heirs already done in paragraph-2 of the affidavit filed in support of Civil Misc. Application No. 73701 of 1997 on 26.4.2017 and shall be determined subject to Civil Misc Application No. 73700 of 1997, under Section 5 of the Limitation Act.

The said application be filed within a week.

List on 18.2.2020 along with appropriate office report in compliance with this order.

**Order Date :-** 10.2.2020

Nadeem Ahmad