

Court No. - 40

Case :- SECOND APPEAL No. - 3319 of 1978

Appellant :- D.N.Dubey

Respondent :- Ram Surat Dubey

Counsel for Appellant :- U.K.Mishra,Ganesh Datt Mishra

Counsel for Respondent :- R.M.Singh,Anil Kumar
Srivastava,Arun Kumar Singh,Bal Mukund Chaturvedi,Ram
Kishun Misra

Hon'ble Siddhartha Varma,J.

Civil Misc. Amendment Application No. 11 of 2018

The amendment application is allowed.

Learned counsel for the applicant may carry out the amendment within a week.

Civil Misc. Applications No. 2 of 2018, 3 of 2018 and 4 of 2018.

Office report indicates that the notices were sent to the legal heirs and representatives of the deceased-respondent no.2.

In view of the report dated 10.9.2022, it shall be deemed that the legal heirs and representatives of the deceased- respondent no.2 have been served.

Under such circumstances, the delay in filing the substitution application vis-a-vis the respondent no.2 is condoned. The abatement is set aside and the substitution application is allowed.

The name of the deceased respondent no.2 be deleted from the array of parties and the same be substituted by the names of the legal heirs and representatives of the deceased-respondent no. 2.

Civil Misc. Applications No. 5 of 2018, 6 of 2018 and 7 of 2018

Notice were sent to the legal heirs and representatives of the deceased-respondent no.1.

As per the office report dated 10.8.2022, it shall be deemed that the notices are sufficient on the legal heirs and representatives of the respondent no.1.

The delay in filing the substitution application is condoned. The

abatement is set aside and the substitution application with regard to the respondent no. 1 is allowed.

The name of the respondent no. 1 be deleted and be substituted by the names of the legal heirs and representatives of the respondent no.1.

Civil Misc. Applications No. 8 of 2018, 9 of 2018 and 10 of 2018

Notice were sent on the applications.

A note be made to the effect that the respondent no.3 is no more. The legal heirs and representatives of the respondent no. 3 are already on record as the estates of the respondent no. 3 is represented by the legal heirs and representatives of the respondents no. 1 and 2.

Order on Appeal

List this case for hearing on 16.11.2022.

Order Date :- 20.9.2022

PK

(Siddhartha Varma,J.)