

Court No. - 56

Case :- WRIT - B No. - 726 of 1980

Petitioner :- Bhagwati Prasad

Respondent :- D.D.C.& Others

Counsel for Petitioner :- Aditya Narain, Sankatha Rai, Virendra Singh

Counsel for Respondent :- S.C.

Hon'ble Irshad Ali, J.

Orders on Misc. Delay Condonation Application No. 92913 of 2016 as well as on Civil Misc. Substitution Application No. 92917 of 2016

Seen the office reports dated 18th January, 2018 and dated 21st March, 2018.

Notices were issued to the respondent nos. 3/3/2, 3/5/1 and 3/5/2 on both the applications through RPAD. Neither A.D. nor undelivered envelope have been received back in the office.

In view of the provisions contained under Chapter VIII Rule 12 Explanation II of the Allahabad High Court Rules, it is deemed that the notices have been served upon the aforesaid respondents.

In spite of the notices, no one has filed counter affidavit to the affidavit filed in support of the delay condonation application.

The reason assigned in the affidavit for condoning the delay is found to be sufficient. Thus the delay is condoned.

The delay condonation application is allowed.

The substitution application has been filed for substituting the legal heirs of respondent nos. 3/3 and 3/5 as detailed in paragraph nos. 2, 3 and 4 of the affidavit filed in support of substitution application.

This application is allowed.

Office is directed to carry out the necessary incorporation in the array of the parties.

Orders on Misc. Delay Condonation Application No. 92908 of 2016 as well as on Civil Misc. Substitution Application No. 92909 of 2016

Issue notice on the delay condonation application as well as on the substitution application through RPAD returnable at an early date.

Learned counsel for the petitioner may take steps within a week for effecting service upon the respondents.

In case the steps are taken within the aforesaid period, the office shall proceed further.

(Irshad Ali, J.)

Order Date :- 22.3.2018

Sushil/-