



HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - B No. - 5667 of 1980

Dal Thamman Singh And Others

.....Petitioner(s)

Versus

D.D.C. And Another

.....Respondent(s)

Counsel for Petitioner(s)	: M.K. Srivastava, Sumod Kumar
Counsel for Respondent(s)	: A.K. Rai, Deepak Kashinath Dubey, R.N. Singh, S.C., S.N. Singh, V.K. Singh, V.K.Rai

Court No. - 34

(SN.21)

HON'BLE ANISH KUMAR GUPTA, J.

1. From the perusal of the record, it is apparent that all the three petitioners in the instant petition have died and the respondent no. 2 has also died. In view thereof, vide order dated 12.12.2003, the instant petition was dismissed as abated. However, Substitution Applications filed along with applications for condonation of delay was filed on 09.08.2004.

2. On 05.11.2004, this Court passed the following order:

"इस याचिका में याची सं० 1 लगायत 3 तथा विपक्ष पक्ष 2 की मृत्यु हो गयी जिसमें कानूनी वारिस कायम न कराने के कारण यह याचिका दिनांक 12-12-03 को उपशमित कर दी गयी ।

इस याचिका में याची सं० 1 लगायत 3 तथा विपक्ष पक्ष 2 के कानूनी वारिस कायम कराने का आवेदन पत्र तथा उसे प्रस्तुत करने में हुयी देरी माफ करने के लिये अवधि अधिनियम की धारा 5 के साथ आवेदन पत्र दिया गया है, जिसमें समुचित कारण दर्शित किये गये है ।

आज्ञा दिनांक 12-12-03 वापस ली जाती है तथा आवेदन पत्र प्रस्तुत करने में हुयी देरी अवधि अधिनियम की धारा 5 के अंतर्गत माफ की जाती है। यह याचिका अगली तारीख में उचित न्याय पीठ के समक्ष सुनवाई हेतु सूचीबद्ध की जाय तथा

कार्यालय इस बीच में उचित संशोधन करे ।"

3. From the perusal of the aforesaid order, it appears that the order dated 12.12.2003, whereby the instant petition was dismissed was recalled and the delay in filing the Substitution Applications were condoned. However, no specific order was passed with regard to allowing the application for substitution. However, a direction was issued for carrying out the amendments in the petition.

4. Pursuant to the aforesaid directions, the office has carried out the correction with regard to the substitution of respondent no. 2 and substitution to Legal Representatives (LRs) of respondent no. 2 was carried out and Subhash and Vijay were substituted as LR's of respondent no. 2, as respondent no. 2/1 and 2/2. However, with regard to the substitution of all the three petitioners, no action has been taken.

5. In view thereof, since the delay in filing the Substitution Application was already condoned, the Substitution Application filed by the LR's of petitioners no. 1 and 3 is allowed.

6. Let Om Prakash and Shiv Prakash be substituted as petitioners no. 1/1 and 1/2 respectively. The names of the petitioner no.2 be deleted since deceased and against the LR's of petitioner no. 3, Sri Jai Prakash Singh, be substituted as petitioner no. 3/1.

7. Necessary amendment be carried out within a week and amended memo of parties be filed by learned counsel for the petitioners.

8. List this matter on **08.04.2026**.

(Anish Kumar Gupta,J.)

March 24, 2026
Shubham Arya