

Court No. - 10

Case :- SECOND APPEAL No. - 1289 of 1981

Appellant :- Babu Lal

Respondent :- Shahabuddin And Others

Counsel for Appellant :- R.N. Bhalla, Harish Chandra Singh, J.P. Tripathi, Kamlesh Kumar Tripathi, Naval Kumar Saxena, Pramod Kumar Srivastava, Rajendra Prasad Tiwari, Sheo Kinkar Singh, Shiv Singh, Vinay Kumar Tiwari

Counsel for Respondent :- M.A. Qadeer, Rafeek Ahmad Khan

Hon'ble Rohit Ranjan Agarwal, J.

Office report dated 27.04.2022 indicates that the notice sent on delay condonation application as well as on substitution application to the legal heirs of respondents no.1, 2, 3 and 4 have returned back with endorsement that notice served upon upon R/1/1, R/1/2 personally.

Respondent no.2/1 refused to accept as the name was wrongly given.

Respondent no.3/1 served personally and respondent no.3/2 served through daughter and respondent no.3/3 served personally and respondent no.4 had died.

In Re: C.M. Delay Condonation Application No.15 of 2021

Heard Sri R.P. Tiwari, learned counsel for the appellant and Sri Rafeek Ahmad Khan, learned counsel appearing for legal heirs of respondents no.1 to 3.

Learned counsel for the respondent states that he has not objection, in case, the delay condonation application is allowed.

Cause shown is sufficient. Delay in filing the substitution application is condoned.

Application is allowed.

In Re: C.M. Substitution Application No.16 of 2021

Heard Sri R.P. Tiwari, learned counsel for the appellant and Sri Rafeek Ahmad Khan, learned counsel appearing for legal heirs of respondents no.1 to 3.

It is stated in para 4 of the affidavit that opposite parties no.1 to 3 had died leaving behind their legal heirs as given in said paragraph.

In para 5 of the affidavit, it is stated that respondent no.4 along with entire family left the District Mahoba some 30 years back and there is no information about them.

As there is no opposition from the side of legal heirs of respondents no.1 to 3, the substitution application is allowed.

Let the name of respondents no.1 to 3 be struck off from the array of parties and the names of their legal heirs as given in the said paragraph be added.

Office to carry out necessary substitution in the array of parties, within one week.

Order Date :- 28.4.2022

SK Goswami