

Court No. - 7

Case :- SECOND APPEAL No. - 1618 of 1990

Appellant :- Abdul Gaffar

Respondent :- Abdul Shakoor

Counsel for Appellant :- O.P. Misra, Om Prakash Pandey, Ramesh Chandra, S.P. Mishra

Counsel for Respondent :- R.N. Singh, M.S. Ansari

Hon'ble Vipin Chandra Dixit, J.

Delay Condonation Application No.254625 of 2017

The delay condonation application has been filed in support of substitution application.

Heard learned counsel for the applicant and learned counsel for the respondents.

No counter affidavit has been filed by any of the respondents. Learned counsel appearing on behalf of the respondents has no objection to the delay condonation application.

Cause shown in the affidavit filed in support of delay condonation application is sufficient. Delay in filing substitution application is condoned. The delay condonation application is allowed. The substitution application is treated to have been filed within time.

Substitution Application No.254626 of 2017

Substitution application has been filed for bringing on record legal heirs of respondent no.1/5 Smt. Sajida who died on 1.7.2016.

Heard learned counsel for the applicant and learned counsel for the respondents.

No counter affidavit has been filed by any of the respondents. Learned counsel appearing on behalf of the respondents has no objection to the substitution application.

In view of above, the substitution application is allowed. Let legal heirs as mentioned in prayer clause (a) of substitution application be incorporated in the array of parties as respondent nos. 1/5/1, 1/5/2, 1/5/3, 1/5/4 and 1/5/5 within one week. Abatement if any is set aside.

Further, word 'dead' be shown after name of respondent no.1/7 Smt. Farida in the array of parties. Her legal heirs are already

on record.

Substitution Application No.21 of 2019

Substitution application has been filed with the prayer that word 'dead' be shown after name of respondent no. 1/2/1 Smt. Anjum Aara and make a note that her legal heirs are already on record.

Heard learned counsel for the applicant and learned counsel for the respondents.

Learned counsel appearing on behalf of the respondents has no objection to the substitution application.

In view of above, the substitution application is allowed. Let word 'Dead' be shown after name of respondent no.1/2/1 Smt. Anjum Aara in the array of parties. Her legal heirs respondent nos.1/2/2Mohd.Naseem, 1/2/3 Mohd. Hasan, 1/2/4 Kumari Shama and 1/2/5 Kumari Nazma are already on record. Abatement if any is set aside.

Abatement Application No. 222847 of 2017

Heard learned counsel for the applicant.

Abatement application is rejected.

Order sheet

List on 21.7.2022.

Order Date :- 26.5.2022
P.P.