

Court No. - 7

Case :- SECOND APPEAL No. - 963 of 1999

Appellant :- Jitendra Kumar Jain

Respondent :- Lala Sudershan Chandra Jain And Others

Counsel for Appellant :- Prakash Krishna, Ankit Saran, Ashish Agrawal, K. Shailendra, S.K. Jauhari, Salil Kumar Rai, Udai Chandani

Counsel for Respondent :- Deo Raj, K.M.Garg, Manish Dev Singh, Manoj Kumar Gupta, Sankatha Rai

Hon'ble J.J. Munir, J.

Order on Civil Misc. Abatement Application No. 19 of 2023

A *vakalatnama* has been filed on behalf of respondent no.12, Shriyan Kumar Jain by Ms. Chhaya Gupta, learned Counsel.

Mr. Pramod Jain, learned Senior Advocate assisted by Ms. Chhaya Gupta, learned Counsel appears on behalf of the said respondent.

Mr. Pramod Jain, learned Senior Advocate has come up with a prayer that this application for abatement may be permitted to be not pressed.

This application is **dismissed as not pressed.**

Order on Civil Misc. Substitution Application No. 18 of 2023

This application has been made on behalf of the heirs and LRs of the sole appellant Jitendra Kumar Jain, who died pending this appeal on 17.12.2022. This application for substitution was presented on 15.03.2023. It is within limitation.

Perused the affidavit filed in support of the application.

There are good grounds to grant substitution.

The application is **allowed.**

Let the name of the sole plaintiff-appellant Jitendra Kumar Jain be suffixed with the word 'deceased' and his heirs and LRs as shown in the prayer clause of this application be arrayed as respondent nos. 1/1 to 1/4 to this appeal.

The Office shall carry out necessary substitution **forthwith.**

Order on memo of appeal

Perused the Office report dated 21.11.2023, which carries a host of varying reports from the process serving agency and the postal department about the respondents, original and substituted, being served.

List this matter before the Registrar (J)(Confidential) on **21.03.2024**, who will examine the records and make an accurate report as to which of the respondents have been served and in what manner, which of them have not been served at all and which of them are dead.

In case one or the other respondent is dead, it will also be reported by the Registrar (J)(Confidential) if a substitution application has been made by the appellant. If a substitution application seeking substitution of the heirs and LRs of the deceased respondent is made before the Registrar, he will entertain it and direct it to be laid before the Court before the next date scheduled.

List this matter before the Court again on **02.04.2024** along with the report of the Registrar (J)(Confidential).

Order Date :- 14.3.2024

Vijay