
(2020) 02 JH CK 0031

In the Jharkhand High Court

Case No : First Appeal No. 156, 151, , 152, 153, 154, 155, 157 Of 2008

Central Coalfields Limited

APPELLANT

Vs

Baldeo Bedia And Ors

RESPONDENT

Date of Decision : 13-02-2020

Acts Referred:

imitation Act, 1963 — Section 5

Citation : (2020) 02 JH CK 0031

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Vikash Kumar, Suraj Kumar

Final Decision : Allowed

Judgement

I.A. No. 9 of 2020 in F.A. No. 156 of 2008

Learned counsel for the appellant submits that inadvertently in place of respondent no.14, it has been typed as respondent no.10 in this I.A. He further submits that he will do necessary correction, in course of the day.

Let him do so.

Learned counsel for the appellant submits that this I.A. has been filed for substitution of legal heirs/successors of respondent no.14, who died on

24.09.2006. He further submits that when it came to the knowledge of the appellant that respondent no.14 has died, immediately thereafter this I.A.

has been filed. He further submits that the names of legal heirs/successors are provided in paragraph 5 of this I.A. He further submits that there is

delay in filing of the substitution petition and that is why the prayers for condonation of delay and setting aside the abatement with regard to

respondent no. 14 are also made.

Mr. Suraj Kumar, learned counsel for the respondents is present and he is not having any serious objection if the prayer is allowed.

In view of the above facts and submission of the learned counsel for the appellant, the prayer is allowed. He is directed to make out necessary

correction with regard to substitution of deceased respondent no.14 within a week.

Accordingly, I.A. No. 9 of 2020 stands allowed and disposed of.

I.A. No. 7 of 2020 in F.A. No. 152 of 2008

Learned counsel for the appellant submits that this I.A. has been filed for substitution of legal heirs/successors of respondent nos.1 to 4. He further

submits that the names of legal heirs/successors of deceased respondent nos. 1 to 4 are provided in paragraphs 5, 6, 7 and 8 respectively of this I.A.

He further submits that there is delay in filing of the substitution petition and that is why the prayers for condonation of delay and setting aside the

abatement are also made.

Mr. Suraj Kumar, learned counsel for the respondents is present and he is not having any serious objection if the prayer is allowed.

In view of the above facts and submission of the learned counsel for the appellant, the prayer is allowed. He is directed to make out necessary

correction with regard to substitution of deceased respondent nos. 1 to 4 within a week.

Accordingly, I.A. No. 7 of 2020 stands allowed and disposed of.

I.A. No. 8 of 2020 in F.A. No. 153 of 2008

Learned counsel for the appellant submits that this I.A. has been filed for substitution of legal heirs/successors of respondent nos. 7 and 26. He further

submits that the names of legal heirs/successors of deceased respondent nos. 7 and 26 are provided in paragraphs 5 and 6 respectively of this I.A. He

further submits that there is delay in filing of the substitution petition and that is why the prayers for condonation of delay and setting aside the

abatement are also made.

Mr. Suraj Kumar, learned counsel for the respondents is present and he is not having any serious objection if the prayer is allowed.

In view of the above facts and submission of the learned counsel for the appellant, the prayer is allowed. He is directed to make out necessary

correction with regard to substitution of deceased respondent nos. 7 and 26 within a week.

Accordingly, I.A. No. 8 of 2020 stands allowed and disposed of.

F.A. No. 153 of 2008

It has been reported that respondent nos. 1 and 2 have also died, during pendency of this appeal.

Learned counsel for the appellant submits that he will file appropriate petition within four weeks.

I.A. No. 6 of 2020 in F.A. No. 154 of 2008

Learned counsel for the appellant submits that this I.A. has been filed for substitution of legal heirs/successors of respondent nos. 1 and 2. He further

submits that the names of legal heirs/successors of deceased respondent nos. 1 and 2 are provided in paragraphs 5 and 7 respectively of this I.A. He

further submits that there is delay in filing of the substitution petition and that is why the prayers for condonation of delay and setting aside the

abatement are also made.

Mr. Suraj Kumar, learned counsel for the respondents is present and he is not having any serious objection if the prayer is allowed.

In view of the above facts and submission of the learned counsel for the appellant, the prayer is allowed. He is directed to make out necessary

correction with regard to substitution of deceased respondent nos. 1 and 2 within a week.

Accordingly, I.A. No. 6 of 2020 stands allowed and disposed of.

I.A. No. 5130 of 2018 in F.A. No. 155 of 2008

Learned counsel for the appellant is not pressing this I.A.

Accordingly, I.A. No. 5130 of 2018 stands dismissed as not pressed.

I.A. No. 8062 of 2019 in F.A. No. 155 of 2008

I.A. No. 8062 of 2019 has been filed under Section 5 of the Limitation Act for condoning the delay in filing the substitution petition (I.A. No. 8063 of 2019).

For the reasons assigned in paragraphs 10 and 12 of this I.A., the delay in filing the substitution petition is condoned.

Accordingly, I.A. No. 8062 of 2019 stands allowed and disposed of.

I.A. No. 8063 of 2019 in F.A. No. 155 of 2008

Learned counsel for the appellant submits that this I.A. has been filed for substitution of legal heirs/successors of respondent nos. 3 and 19. He further submits that the names of legal heirs/successors of deceased respondent nos. 3 and 19 are provided in paragraphs 6 and 8 respectively of this I.A.

Mr. Suraj Kumar, learned counsel for the respondents is present and he is not having any serious objection if the prayer is allowed.

In view of the above facts and submission of the learned counsel for the appellant, the prayer is allowed. He is directed to make out necessary correction with regard to substitution of deceased respondent nos. 3 and 19 within a week.

Accordingly, I.A. No. 8063 of 2019 stands allowed and disposed of.

I.A. No. 8646 of 2019 in F.A. No. 157 of 2008

Learned counsel for the appellant is not pressing this I.A.

Accordingly, I.A. No. 8646 of 2019 stands dismissed as not pressed.

I.A. No. 5 of 2020 in F.A. No. 157 of 2008

Learned counsel for the appellant submits that this I.A. has been filed for substitution of legal heirs/successors of respondent nos. 1, 2, 7, 8, 9, 10, 11, 13, 16, 17, 18, 20 and 21. He further submits that the names of legal heirs/successors of deceased respondent nos. 1, 2, 7, 8, 9, 10, 11, 13, 16, 17, 18, 20 and 21 are provided in paragraphs 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18 of this I.A. He further submits that there is delay in filing of the substitution petition and that is why the prayers for condonation of delay and setting aside the abatement are also made.

Mr. Suraj Kumar, learned counsel for the respondents is present and he is not having any serious objection if the prayer is allowed.

In view of the above facts and submission of the learned counsel for the appellant, the prayer is allowed. He is directed to make out necessary correction with regard to substitution of deceased respondent nos. 1, 2, 7, 8, 9, 10, 11, 13, 16, 17, 18, 20 and 21 within a week.

Accordingly, I.A. No. 5 of 2020 stands allowed and disposed of.