
(2023) 10 OHC CK 0049
In the Orissa High Court
Case No : R.S.A. No.199 Of 2011

Ganesh Sahoo And Others

APPELLANT

Vs

Bisra Stone Lime Company Ltd., Sundargarh And Others

RESPONDENT

Date of Decision : 10-10-2023

Acts Referred:

Limitation Act, 1963 — Section 5

Citation : (2023) 10 OHC CK 0049

Hon'ble Judges : A.C. Behera, J

Bench : Single Bench

Advocate : A.K. Sahoo, B. Panigrahi, S. Sahoo

Final Decision : Allowed

Judgement

A.C. Behera, J

R.S.A. No.199 of 2011 & Misc. Case Nos.331, 335, 337, 338 of 2018

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. As per the submissions of the learned counsels of both the sides ignoring the previous order, it is made clear that, in this 2nd appeal, the appellant No.1 and Respondent No.5 have expired. As per order No.10 passed in Misc. Case No.338 of 2018 dated 15.09.2023, the petition for substitution of the LR's of the appellant No.1 has already been allowed.
3. One consolidated appeal memo has been filed on behalf of the appellants incorporating the names of the LR's of the appellant No.1 without filing an affidavit.
4. The defects shown by the Registry have already been rectified after serving copy thereof on the learned counsel for the respondents.
5. Misc. Case Nos.331, 335, 337, 338 of 2018 have been filed on behalf of the appellants to substitute the LR's of the deceased Respondent No.5. Today, the

proposed LRs. of the respondent No.5 have already made their appearance through their learned counsel Ms. S. Sahoo, for which, no notice is required to be issued to them.

The appellants have no objection to the same. Therefore, the above four Misc. Cases are allowed.

6. The appellants are directed to file consolidated appeal memo after serving copy thereof on the learned counsel for the respondents incorporating the names of the proposed LRs. of the Respondent No.5.

7. This 2nd appeal has been filed beyond the period of limitation, for which, in order to condone the delay in preferring the appeal, the appellants have filed a petition under Section 5 of the Indian Limitation Act, 1963. Copy of limitation petition be served on the learned counsel for the Respondent No.1.

8. List this appeal on 29th of November, 2023 along with R.S.A. No.200 of 2011 for objection and hearing of the limitation petition.

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