
(2023) 08 JH CK 0008

In the Jharkhand High Court

Case No : Second Appeal No. 92 Of 1990(R)

Ram Sunder Choudhary @ Sunder Choudhary And Others

APPELLANT

Vs

Ramdeo Choudhary

RESPONDENT

Date of Decision : 03-08-2023

Acts Referred:

Citation : (2023) 08 JH CK 0008

Hon'ble Judges : Sanjay Kumar Dwivedi, J

Bench : Single Bench

Advocate : Baban Prasad, T.N.Jha

Judgement

Sanjay Kumar Dwivedi, J

1. I.A. No.3870 of 2023 has been filed for substituting the name of legal heirs/successors of the appellant no.1.

2. Mr. Baban Prasad, the learned counsel for the appellants submits that as soon as it has come to the knowledge, the present I.A has been filed. The prayer is made for setting aside the abatement and to condone the delay and to substitute the name of legal heir/successor of the appellant no.1. He submits that the name of legal heir/ successor of the appellant no.1 has been disclosed in paragraph no.2 of the said I.A.

3. Mr. Jha, the learned counsel appearing on behalf of the sole respondent objects the prayer made in the I.A and submits that this may not be allowed.

4. In view of submission of the learned counsels for the parties, the Court finds that seco.nd appeal has already been admitted on substantial question of law and during pendency of this appeal, the appellant no.1 has left for his heavenly abode and as soon as it has come to the knowledge the petition has been filed by the legal heirs/successors for substitution of the appellant no.1 and the Court further finds sufficient averments for setting aside the abatement, condonation of limitation if any, and allowing the prayer made in the I.A. for substitution have

been made out. Accordingly, the condonation, if any, for filing the same is condoned and the prayer made in the I.A. is allowed and abatement is set aside.

5. The learned counsel for the appellants shall make out necessary correction with regard to the appellant no.1 in course of the day. The instant I.A. is allowed subject to the cost of Rs.1000/- to be paid to the learned counsel for the sole respondent.

6. Post this matter on 13.9.2023 at 3.45 p.m.