

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**(Civil Miscellaneous Appellate Jurisdiction)**  
**M. A. No. 78 of 2007**

.....  
Jaipal Singh and Others ..... Appellants  
**Versus**  
Sagar Chandra Mandal & Another ..... Respondents

**CORAM: HON'BLE MR. JUSTICE KAILASH PRASAD DEO**  
**(Through : Video Conferencing)**

.....  
For the Appellants : Mr. Arbind Kr. Sinha, Advocate  
For the Respondents :  
.....

**19/25.06.2020**

This appeal has been admitted for hearing vide order dated 11.05.2012.

I.A. No. 9058 of 2013 has been filed under Order XXII Rule-2 & 9 C.P.C. for substituting the legal heirs of respondent no. 2 Bimal Chandra Mandal, who died on 12.03.2012, leaving behind his only son namely, Ranjan Kumar Mandal, as his wife pre-deceased him and prayed for setting aside abatement.

I.A. No. 9057 of 2013 has been filed under Section 5 of the Limitation Act for condonation of delay in filing the substitution petition. Both the I.As. i.e. I.A.No. 9057 of 2013 & I.A. No. 9058 of 2013 were allowed in terms of order dated 07.01.2019 by Coordinate Bench of this Court after valid service of notice.

Vide order dated 07.01.2019, notice was again issued upon substituted respondent namely, Ranjan Kumar Mandal, but learned counsel for the appellants did not comply the order and the case is pending for notice upon the substituted respondent.

The present Miscellaneous Appeal has been preferred against the dismissal of appeal under Order XLI Rule 19 C.P.C., as such it would be proper that a fresh notice be issued upon the respondent no. 1 Sagar Chandra Mandal, son of Late Sahadev Mandal and respondent no. 2 (a) Ranjan Kumar Mandal, son of Late Bimal Chandra Mandal, residents of Hariya Patti, Sitaramdera, P.O. & P.S. - Sitaramdera, Town Jamshedpur, District – Singhbhum East, under both process i.e. registered cover with A/D as well as under ordinary process, for which requisites etc., must be filed within two weeks. The ordinary process of notice must be served through Officer-in-Charge, Sitaramdera Police Station.

Officer-in-Charge, Sitaramdera P.S. is also directed to file compliance report within a period of four weeks and also ensure the appearance of the respondents before this Court.

Put up this case after four weeks.

**(Kailash Prasad Deo, J.)**

Sunil-Jay/