

IN THE HIGH COURT OF JHARKHAND AT RANCHI
(Civil Appellate Jurisdiction)
S. A. No. 42 of 2015

.....
Uttam Raj Devi & Others Appellants
Versus
Someshwar Dubey & Others Respondents

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

.....
For the Appellants : Mr. Niraj Kishore, Advocate
For the Respondents :
.....

06/25.03.2021

Learned counsel for the appellants, Mr. Niraj Kishore has submitted that I.A. No.6292/2018 has been preferred for substitution of respondent no.1, Someshwar Dubey, who died on 14.09.2015 leaving behind the following legal heirs and successors:-

- (i) Most. Manmati Kuer- widow of Late Someshwar Dubey.
- (ii) Sat Narayan Dubey
- (iii) Uday Dubey
- (iv) Pragash Dubey
- Sl. Nos. (ii) to (iv) are sons of Late Someshwar Dubey.
- (v) Smt. Rajmuni Devi
- (vi) Smt. Gita Devi

Sl. Nos. (v) to (vi) are daughters of Late Someshwar Dubey.

All above are resident of Village- Huri @ Barsaita, P.O.- Kanke Kala, P.S.- Patan, District- Palamau.

Learned counsel for the appellants has further submitted that though there is delay in preferring the substitution petition, but in view of the recent judgment of the Hon'ble Apex Court, no formal application is required for condonation of delay, after setting aside the abatement by expunging the name of respondent no.1.

Learned counsel for the appellants has further submitted that copy has been served upon the learned counsel for the respondents, however during pendency of the present interlocutory application, Uday Dubey, S/o Late Someshwar Dubey has also died, for which substitution petition is to be filed.

Learned counsel for the appellants has further submitted that the proposed legal heirs as mentioned in the interlocutory

application as R-1 (a) to R-1 (f) including Uday Dubey have already put appearance through their counsel by filing Vakalatnama, but because of subsequent death of Uday Dubey, the substitution petition is required to be filed.

Considering the same, I.A. No.6292/2018 is allowed by substituting the name of legal heirs of Late Someshwar Dubey as mentioned in paragraph-7.

Office is directed to carry out the necessary correction as proposed legal heirs have already appeared through their counsel.

However, three weeks' time is granted to the appellants to take appropriate steps with regard to substitution of Uday Dubey, S/o Late Someshwar Dubey.

(Kailash Prasad Deo, J.)

Jay/-