

Gango Mahto and ors Vs. Ganesh Mahto and ors

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Court : Jharkhand

Decided On : Sep-20-2013

Appellant : Gango Mahto and ors

Respondent : Ganesh Mahto and ors

Judgement :

IN THE HIGH COURT OF JHARKHAND AT RANCHI S.A. No. 311 of 2002 Gango Mahto & Others ..Appellants Versus Ganesh Mahto & Others ..Respondents -----
Coram:HONBLE MR. JUSTICE NARENDRA NATH TIWARI For the Appellants : Mr. Nawal Kishore Prasad, Advocate For the Respondents : Mr. Manjul Prasad, Advocate ---- I.A. No. 2048 of 2013 and I.A. No. 2049 o

15. 20-09-2013 The appellants have prayed for substitution of the heirs and legal representatives of respondent no. 7 after condoning the delay in filing application for substitution. It has been stated that respondent no. 7 namely Jitan Mahto died in the month of November, 2011 leaving behind his widow and sons as heirs and legal representatives. Their names and addresses are described in paragraph 2 of I.A. No. 2048/2013. It has been submitted that appellant no. 1 is the pairvikar. He is an old man and suffering from multiple ailments. He is mostly confined to bed. He could know about the death of respondent no. 7 on 5.1.2013. The appellant thereafter collected the details of the heirs and legal representatives and contacted his counsel at Ranchi. This application was thereafter filed without any delay. It has been further submitted that there was no wilful laches or delay on the part of the appellants and they were prevented from filing the application for substitution

earlier under the aforesaid circumstance beyond their control. Learned counsel for the respondents has not controverted the said facts and submissions and have not opposed the application. Considering the above, the delay in filing the application for substitution is condoned. Prayer for substitution is allowed. Both the I.As are disposed of. (Narendra Nath Tiwari, J) Rakesh/

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