

Keshnath Singh and ors Vs. Gaya Pd. Singh and ors

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Court : Patna

Decided On : May-24-2012

Appellant : Keshnath Singh and ors

Respondent : Gaya Pd. Singh and ors

Judgement :

IN THE HIGH COURT OF JUDICATURE AT PATNA First Appeal No.527 of 1982
Keshnath Singh & Ors Versus Gaya Pd. Singh & Ors -----
35. 24.01.2012. Heard the learned counsel for the appellants on I.A. No.8402 of 2011. Since there was some delay in filing the substitution application regarding the legal representatives of deceased appellant no.17, prayer for condoning the delay and setting aside abatement has also been made in the substitution application. The learned counsel for the appellants submitted that the pairvikar of the appellant was outside the State of Bihar and, therefore, the application could not be filed within the period. The learned counsel further submitted that some of the legal representatives of the deceased appellant nos.10 and 12 are already on record. So far appellant no.8(i) is concerned, he prayed that the name may be expunged as the other legal representatives are already on record. Nobody appears on behalf of the respondents to oppose the prayer of the appellants. Considering the above facts and circumstances of the case and the explanation given in the substitution application, I am satisfied that the appellants were prevented by sufficient cause from not filing the substitution application within the period stipulated. Therefore, the 2 delay in filing the substitution application is condoned, the abatement if any, is set aside. The legal representatives of the

deceased appellant no.17 as mentioned in detail in paragraph 4 are substituted in place of the deceased appellant no.17. So far the legal representatives of the deceased appellant nos.10 and 12 are concerned, the details have been mentioned in paragraph 2 and 3 respectively. They are substituted in place of the deceased appellant nos.10 and 12 respectively. The name of appellant no.8(i) is expunged from the cause title of memo of appeal. It is submitted that all the legal representatives of the deceased appellant nos.10, 12 and 17 have already appeared by filing vakalatnama. Thus, the substitution application stands allowed. Saurabh (Mungeshwar Sahoo,J.)

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