

IN THE HIGH COURT OF JHARKHAND AT RANCHI

M.A. No. 360 of 2007

National Insurance Company Ltd.

... ..APPELLANT

-V e r s u s -

B. Krishnaveni and others

... .. RESPONDENTS

...

CORAM: - HON'BLE MR. JUSTICE D. N. UPADHYAY

For the Appellants : Mr. D.C. Ghose, Advocate

For the Respondents :

I.A. No. 1347 of 2007 and I.A. No. 936 of 2014

20/24.03.2014

The instant I.A. No. 1347 of 2007 has been filed under Order XXII Rules 2 and 9 of the C.P.C. with a prayer to substitute the legal heirs of the respondent no. 2 who died on 06.06.2007 leaving behind his two sons namely Manoj Kumar Sharma and Anup Kumar Sharma. Since the petition to substitute the legal heirs was not filed within time, I.A. No 936 of 2014 has been filed under Section 5 of the Limitation Act to condone the delay in filing the substitution petition.

It appears that the respondent no. 2 died after arguments was advanced but Award was not prepared by Court below and, therefore, considering provisions contained under Rule 96 of the Jharkhand High Court Rules and also the prayer made in those Interlocutory Applications, the petition stands allowed.

Both the Interlocutory Applications stands allowed.

The legal heirs of the deceased – respondent no. 2 are directed to be substituted as respondent nos. 2A and 2B and for that counsel appearing for the appellant shall do the needful.

The appellant is further directed to file requisites etc. for service of notice upon newly substituted respondents within ten days under ordinary process.

(D. N. Upadhyay, J.)