

Court No. - 48

Case :- SECOND APPEAL No. - 2913 of 1979

Appellant :- Kanhiya Chaubey And Others

Respondent :- Shiv Shanker Prasad And Others

Counsel for Appellant :- Siddeshwari Prasad, Kamlesh Kumar Tiwari, S.K. Singh, Someshwari Prasad, V. Singh

Counsel for Respondent :- V.M. Sahai, Abha Gupta, Shree Ram Gupta, Shree Ram Pd Gupta

Hon'ble Vipin Chandra Dixit, J.

Civil Misc. Delay Condonation Application No. 16 of 2023

Civil Misc. Substitution Application No. 17 of 2023

The present substitution application has been filed with the delay condonation application for substituting the legal heirs of appellant no. 1 namely Kanhaiya Chaube, who died on 13.07.2023.

No counter affidavit has been filed by any of the respondents to the delay condonation application as well as to the substitution application.

In view of above, the delay in filing the substitution application is condoned.

The delay condonation application is allowed and the aforesaid substitution application is treated to be within time.

The substitution application is also allowed.

The legal heir of appellant no. 1 as mentioned in para 9 to the affidavit filed along with substitution application be substituted as appellant nos. 1/1, 1/2 and 1/3 in the array of parties.

Let necessary substitution be carried out in the array of parties within one week.

List in the first week of July, 2025.

Order Date :- 29.4.2025

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