

Court No. - 49

Case :- WRIT - B No. - 43215 of 2017

Petitioner :- Karamsatti

Respondent :- State Of U.P. And 6 Others

Counsel for Petitioner :- Raghvendra Shankar Srivas

Counsel for Respondent :- C.S.C., Bhupendra Kumar Tripathi, Narendra Mohan, Pradeep Kumar Srivastava, Ramesh Chandra Tiwari

Hon'ble Syed Qamar Hasan Rizvi, J.

In Re: Civil Misc. Substitution Application No. 2 of 2021

1. Heard Sri Awadhesh Singh, holding brief of Sri Raghvendra Shankar Srivastava, learned counsel for the petitioner, the learned Standing Counsel for the State-respondents and Sri Ramesh Chandra Tiwari, learned counsel for the private respondents.
2. The instant application has been filed in respect of deceased-Karamsatti/petitioner.
3. The substitution application is well within time.
4. Let the word 'deceased' be mentioned against the name of Karamsatti-petitioner and her legal heirs as mentioned in the prayer clause of the substitution application be substituted as petitioner no. 1/1. Santosh Kumar Dubey, petitioner no. 1/2. Brijesh Kumar Dubey and petitioner no. 1/3. Sanjay Kumar Dubey.
5. The application is accordingly, allowed.
6. Learned counsel for the petitioner is permitted to carry out the necessary substitution in the array of parties during course of the day.

In Re: Civil Misc. Delay Condonation Application No. 3 of 2023 along with Substitution Application No. 4 of 2023

1. As per office report dated 08.05.2023/23.05.2023, Sri Narendra Mohan and Sri Ramesh Chandra Tiwari, Advocates, have filed Vakalatnama on behalf of proposed respondents no. 3/1, 3/2, 3/3, 3/4 and 3/5.
2. Heard Sri Awadhesh Singh, holding brief of Sri Raghvendra

Shankar Srivastava, learned counsel for the petitioner, the learned Standing Counsel for the State-respondents and Sri Ramesh Chandra Tiwari, learned counsel for the private respondents.

3. The instant applications have been filed in respect of deceased-Chhote Lal/respondent no.3 along with application under Section 5 of Limitation Act.

4. The explanation given for the condonation of delay in the affidavit is satisfactory.

5. The delay in filing the substitution application is condoned.

6. Let the word 'deceased' be mentioned against the name of respondent no. 3 and in his place the names of his legal heirs as mentioned in the prayer clause of the substitution application be substituted as respondent no.3/1. Rakesh, respondent no.3/2. Rajesh, respondent no.3/3. Akash, respondent no. 3/4. Nehal and respondent no. 3/5. Rekha.

7. The applications are accordingly, allowed.

8. Learned counsel for the petitioner is permitted to carry out the necessary substitution in the array of parties during course of the day.

In Re: Civil Misc. Withdrawal Application No. 5 of 2023

1. Heard Sri Awadhesh Singh, holding brief of Sri Raghvendra Shankar Srivastava, learned counsel for the petitioner, the learned Standing Counsel for the State-respondents and Sri Ramesh Chandra Tiwari, learned counsel for the private respondents.

2. Learned counsel for the petitioners submits that the petitioners do not want to contest the matter any more and as such prayed for withdrawal of the writ petition.

3. Learned Standing Counsel appearing for the State-respondents and Sri Ramesh Chandra Tiwari, appearing for the private respondents have no objection.

4. Accordingly, the withdrawal application is allowed.

5. In view of the order passed on Civil Misc. Withdrawal Application No. 5 of 2023, the writ petition is **dismissed as withdrawn**.

Order Date :- 5.12.2023
Prajapati