

Court No. - 6

Case :- MATTERS UNDER ARTICLE 227 No. - 29122 of 2016

Petitioner :- Gayatri Devi

Respondent :- A.D.J Court No. 1 Balrampur And Ors

Counsel for Petitioner :- Indrajeet Shukla, Vinod Kumar Tripathi

Hon'ble Rajnish Kumar, J.

In re: IA no.08 of 2022

In re: IA no.09 of 2022

In re: IA no.05 of 2022

Heard learned counsel for the parties.

These are the applications for substitution (IA no.05 of 2022) on account of death of sole petitioner and application for condonation of delay (IA no.08 of 2022) and application for setting aside abatement (IA no. 09 of 2022).

This Court by means of the order dated 05.04.2023 had granted time to the petitioner to file better affidavit for seeking condonation of delay and also for setting aside abatement.

In deference to the aforesaid order, the petitioner had filed C.M.Application no.08 of 2023 and C.M.Application no.09 of 2023.

Perusal of the affidavit filed in support of the applications indicates that no ground for condonation of delay has been given. The only ground is that whatever delay was beyond control of deponent is liable to be condoned by this Court. But what was beyond the control of the deponent has not been disclosed, therefore, it can not be considered, therefore since the ground for condonation of delay and setting aside the abatement is not sufficient to condone the delay and allow the substitution, it is liable to be dismissed. The petitioner had died on 26.04.2021 and the application for substitution was filed on 06.08.2022 with delay.

In view of the above, the application for condonation of delay and setting aside abatement are dismissed. Consequently, the application for substitution is dismissed.

Accordingly, the petition is **dismissed** as abated.

(Rajnish Kumar, J.)

Order Date :- 20.12.2023/Harshita