

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**F.A.(M) No.83 of 2011**

Ishwari Prasad, S/o Sudhram Shrivastava, aged about 63 years, Caste Nai,
R/o Village Podidalha, Police Station and Tahsil Akaltara, District Janjgir
Champa (CG). **---- Appellant**

Versus

State of Chhattisgarh, through Collector, Janjgir Champa, District Janjgir
Champa (CG). **----Respondent**

For Applicants	:	Mr. Dashrath Prajapati, Advocate
For State	:	Mr. Praveen Shrivastava, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****05/02/2020**

- (1) Allegedly the sole appellant-Ishwari Prasad has died.
- (2) Heard on I.A. No.1/2016, application under Order 22 Rule 3 of CPC and I.A. No.2/2016, application for condonation of delay under Section 5 of the Limitation Act.
- (3) As per I.A. No.1/2016, the sole appellant has died on 06.10.2015. The applicants filed the application on 08.01.2016. As per Article 120 of the Limitation Act, the period of limitation for filing the application to bring the legal representative of deceased on record is 90 days, which starts from the date of death.
- (4) There is no application has been filed by the applicants to set aside the abatement. At this stage, the applicants do not get any help from I.A. No.2/2016 application under Section 5 of Limitation Act for condonation of delay. Hence, the appeal is dismissed as abated. Both the applications (I.A. No.1/2016 & I.A. No.2/2016) are disposed of accordingly.
- (5) Record be sent to the Record Room.

Sd/-
(Sharad Kumar Gupta)
Judge