[2026:JHHC:1110]

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No.513 of 2023
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1. Suresh Kumar Chhawchharia, aged about 67 years, son of Late Satya Narayan Chhawchharia, resident of C.P. Drolia Road, Deoghar, P.O. and P.S.- Deoghar, District- Deoghar

2. Sharad Chhawchharia, aged about 59 years, son of Late Satya Narayan Chhawchharia, resident of C.P. Drolia Road, Deoghar, P.O. and P.S. – Deoghar, District- Deoghar

3. Rita Chhawchharia, aged about 56 years, wife of Late Lalit Chhawchharia, resident of Rose-2B, New Ali Resi 45/A Buroshibtala Main Road, Saharpur, Kolkata, P.O. and P.S. – Kolkata, District – Kolkata

4. Tanvee Chhawchharia, aged about 32 years, daughter of Late Lalit Chhawchharia, resident of Rose-2B, New Ali Resi 45/A Buroshibtala Main Road, Saharpur, Kolkata, P.O. and P.S. – Kolkata, District – Kolkata

5. Tanya Chhawchharia, aged about 26 years, daughter of Late Lalit Chhawchharia, resident of Rose-2B, New Ali Resi 45/A Buroshibtala Main Road, Saharpur, Kolkata, P.O. and P.S. – Kolkata, District – Kolkata … Petitioners

Versus

1. The Electrical Superintendent Engineer, Electrical Supply Circle, Deoghar Bihar Electricity Board, (now Jharkhand State Electricity Board), P.O. and P.S. – Deoghar, District – Deoghar

2. The Electrical Executive Engineer, Electrical Supply Division, Deoghar of Bihar State Electricity Board (now Jharkhand State Electricity Board), P.O. and P.S. – Deoghar, District – Deoghar.

3. The Assistant Electrical Engineer, Electrical Supply Sub-Division, Deoghar of Bihar State Electricity Board (now Jharkhand State Electricity Board), P.O. and P.S. – Deoghar, District – Deoghar

4. Bihar State Electricity Board (now Jharkhand State Electricity Board) through its Chairman having its office at Engineer's Bhawan, Heavy Engineering Corporation Limited, Dhurwa, Ranchi … Opposite Parties

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CORAM: HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Petitioners : Mrs. Ritu Kumar, Advocate
Mr. Samavesh Bhanj Deo, Advocate
For the Opp. Parties : Mr. Rajesh Kumar, Advocate
Ms. Riya Kumari, Advocate

Order No:-09 Dated-16-01-2026

I.A. No.12023 of 2024

Heard the parties.

Learned counsel for the petitioners submits that this interlocutory application has been filed with the prayer to condone the delay of 244 days in filing the instant C.M.P. It is further submitted by the learned counsel for the petitioner, who was the appellant in Second Appeal No.462 of 2003, was ill hence, he could not appear when the case was called out. The learned counsel for the appellant, after recovering from his illness, sent a letter to the petitioner No.1 requesting to come prepared to file this C.M.P. but the said letter could not be received by the petitioner No.1. In usual course when the petitioner No.1 came to Ranchi and inquired about the present status of the said Appeal then only, he came to know about the letter having not been received but by that time there was a delay of 244 days. It is next submitted that the delay caused in filing the instant C.M.P. is neither deliberate nor intentional. It is next submitted that the petitioners have very good grounds to agitate in the said Second Appeal No.462 of 2003 and unless the delay in filing the instant C.M.P. is condoned, the petitioners will be highly prejudiced. Hence, it is submitted that the delay of 244 days in filing the instant C.M.P., be condoned.

Considering the facts and circumstances of the case, the delay of 244 days in filing the instant C.M.P. is condoned.

Accordingly, this interlocutory application stands allowed.

(Anil Kumar Choudhary, J.)

I.A. No.15765 of 2025

Learned counsel for the petitioners submits that the petitioners do not press this interlocutory application.

Accordingly, this interlocutory application is rejected being not pressed.

(Anil Kumar Choudhary, J.)

C.M.P. No.513 of 2023

This civil miscellaneous petition has been filed by the petitioners with the prayer to set aside the abetment made vide order dated 28.06.2022 passed in Second Appeal No.462 of 2003.

It is submitted by the learned counsel for the petitioners that the sole appellant of Second Appeal No.462 of 2003 died on 31.07.2016 leaving behind his only five legal representatives whose names, parentages and addresses have been mentioned in para- 4 of the instant C.M.P. It is further submitted that the said Second Appeal No.462 of 2003 was listed before this Court on 11.04.2022 and when the case was called out, the counsel appearing for the appellant, could not appear because of his illness nor any steps could be taken and as even after the death of the sole appellant, no steps were taken for substitution, hence, the said Second Appeal No.462 of 2003 abetted. It is further submitted that unless the abetment is set aside by condoning the delay and the only five legal representatives of the deceased sole appellant are substituted in his place in Second Appeal No.462 of 2003, the appellants will be highly prejudiced.

Considering the aforesaid facts, the abetment of Second Appeal No.462 of 2003 is set aside and the prayer to substitute the only five legal representatives deceased sole appellant whose names, parentages and addresses have been mentioned in para- 4 of the instant C.M.P., by condoning the delay in filing the petition for substitution, is allowed.

Registry is directed to mention the word “Dead” against the name of sole appellant in the cause-title of Second Appeal No.462 of 2003 and to incorporate the name of only five legal representatives of the sole appellant as appellant No.1 (a) to 1 (e) in the cause-title of the said appeal memo.

List Second Appeal No.462 of 2003 before the appropriate Bench after a week.

This civil miscellaneous petition is disposed of accordingly.

(Anil Kumar Choudhary, J.)

Dated- 16.01.2026-Animesh/