

ITEM NO.1711

COURT NO.14

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition for Special Leave to Appeal (C) No. 23487/2019

ALOK KUMAR & ORS.

Petitioner(s)

VERSUS

POORAN CHANDRA PANDEY & ORS.

Respondent(s)

(ONLY SLP(C) NOS. 23504-23515 OF 2019 TO BE LISTED BEFORE HON'BLE JUDGE IN CHAMBERS.)

WITH

SLP(C) No. 23504-23515/2019 (XI)

(WITH INERLOCUTORY APPLICATION NOS. 111832 AND 111834 OF 2022 i.e. Applications for abatement of SLP(C) filed against common deceased Respondent No. 1 i.e. (Anand Kumar Mishra) and common deceased Respondent No. 5 i.e (Ram Nihore) in Special Leave Petition(C) Nos. 23506 & 23511 and 23509 & 23513 of 2019 respectively)

AND

INERLOCUTORY APPLICATION NOS. 32960, 32961, 32963, 32964, 32970, 32971, 32973, 32976, 32984, 32985, 32987, 32988, 33020, 33022, 33025, 33026, 33023, 33024, 33027, 33028, 33137, 33138, 33140, 33142, 33150, 33151, 33153, 33154, 3 and 33168, 33170, 33172 and 33175 OF 2023 i.e. Applications for bringing on record the legal heirs of deceased respondent alongwith applications for condonation of delay, setting aside abatement and exemption from filing official translation of common deceased Respondent Nos. 29 i.e. (Subhas Chandra), 25 i.e. (Raj Kumar Singh), 7 i.e. (Mohan Singh Bora) in Special Leave Petition (c) Nos. 23505 & 23512 and Respondent Nos. 1 i.e. (Anand Kuma Mishra), 3 i.e. (Ish Dayal Vijpai) in Special Leave Petition (c) Nos. 23506 & 23511 and Respondent Nos. 7 i.e. (Deena Nath), 4 i.e. (Ashok Kumar Srivastava) and respondent No. 5 i.e. (Ram Nihore) in Special Leave Petition (c) Nos. 23509 & 23513, of 2019 respectively)

AND

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 140556/2019

FOR EXEMPTION FROM FILING O.T. ON IA 140557/2019

FOR APPLICATION FOR ABATEMENT ON IA 111832/2022

FOR APPLICATION FOR ABATEMENT ON IA 111834/2022

FOR APPLICATION FOR SUBSTITUTION ON IA 3975/2023

FOR CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. ON IA 3976/2023

FOR EXEMPTION FROM FILING O.T. ON IA 3978/2023

IA No. 3978/2023 - EXEMPTION FROM FILING O.T.)

Date : 20-02-2023 These petitions/applications were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA
[IN CHAMBERS]

For Petitioner(s) Mr. Satish Pandey, AOR
Mr. Abdul Qadir, Adv.
Mr. Akbar Ali, Adv.
Mr. Prakhar Srivastava, Adv.
Ms. Megha Singh, Adv.
Ms. Anjana Gupta, Adv.
Ms. Shumaila Naaz, Adv.
Mr. Aviral Saxena, Adv.

For Respondent(s) Mr. Anurag Kishore, AOR
Mr. Sudhansu Palo, AOR

Mr. Vinod Sharma, AOR
Mr. Pawan Reley, Adv.
Mr. Akshay Lodhi, Adv.
Mr. Gaurav Kumar, Adv.
Mr. Ankit Chaudhary, Adv.
Mrs. Priyanka S. Aneja, Adv.
Mr. Vinod Sharma, Adv.

Ms. Pallavi Pratap, AOR
Ms. Prachi Pratap, Adv.
Dr. Prashant Pratap, Adv.
Mr. Akshay Singh, Adv.
Ms. Avadhi Jain, Adv.
Mr. Arnav Vats, Adv.

UPON hearing the counsel the Court made the following

O R D E R

SLP(C) No. 23504-23515/2019

In terms of the order dated 20th January, 2023, the petitioners have taken steps by filing separate applications for substitution of the deceased respondents viz., (i) Respondent No.29 (Subhas Chandra), Respondent No.25 (Raj Kumar Singh) and Respondent No.7 (Mohan Singh Bora) who are common deceased respondents in SLP(C)

Nos.23505 and 23512 of 2019; (ii) Respondent No.1 (Anand Kumar Mishra) and Respondent No.3 (Ish Dayal Vijpai) who are common deceased respondents in SLP(C) Nos.23506 and 23511 of 2019; and (iii) Respondent No.5 (Ram Nihore), Respondent No.7 (Deena Nath) and Respondent No.4 (Ashok Kumar Srivastava) who are common deceased respondents in SLP(C) Nos.23509 and 23513 of 2019, along with the applications for condonation of delay and for setting aside abatement.

Heard learned counsel for the applicants/petitioners as well as learned counsel for the respondents, who submits that he has no objection to the applications being allowed.

Cause shown is sufficient. Delay condoned. Abatement is set aside. The prayer for substitution is granted. The legal heirs of the aforesaid deceased respondents be brought on record as party respondents in the petitions.

Accordingly, the applications are allowed.

In view of the above order, nothing survives for decision on IA No. 111834 of 2022 and IA No. 111832 of 2022 filed by the applicants. The same stand rejected. Defective applications being 3975, 3976 and 3978 of 2023 also stand rejected.

Office to process and list the matter(s) before the appropriate Bench after four weeks.

(SHUBHAM YADAV)
SENIOR PERSONAL ASSISTANT

(RAM SUBHAG SINGH)
BRANCH OFFICER