

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

SPECIAL LEAVE PETITION (CIVIL) Diary No. 13450/2021

(Arising out of impugned final judgment and order dated 03-12-2019 in LPA No. 1446/2018 19-09-2018 in CR No. 283/2018 17-02-1992 in SA No. 73/1986 passed by the High Court of Judicature at Patna)

**MAHANTH SUDAMA DAS CHELA OF
LATE MAHANTH SHYAMDASI @ SHYAM DAS**

Petitioner(s)

VERSUS

KRISHNA CHANDRA PRASAD GUPTA & ORS.

Respondent(s)

(IA No. 114777/2021 - APPLICATION FOR CONDONATION OF DELAY IN FILING THE APPLICATION FOR SETTING ASIDE THE ABATEMENT and IA No. 114772/2021 - APPLICATION FOR SUBSTITUTION and IA No. 114761/2021 - CONDONATION OF DELAY IN FILING and IA No. 114773/2021 - CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. and IA No. 114770/2021 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 126244/2021 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 114767/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 114765/2021 - EXEMPTION FROM FILING O.T. and IA No. 126235/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 114778/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 114762/2021 - PERMISSION TO FILE PETITION (SLP/TP/WP/..) and IA No. 114776/2021 - SETTING ASIDE AN ABATEMENT)

Date : 27-09-2023 This matter was called on for hearing today.

CORAM :

**HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE K.V. VISWANATHAN**

For Petitioner(s)

**Mr. Devashish Bharuka, Adv.
Mr. Vaibhav Niti, AOR
Ms. Madhavi Agrawal, Adv.
Mr. Divyanshu Agrawal, Adv.
Mr. Alok Agarwal, Adv.**

For Respondent(s)

**Mr. Manish Kumar, Adv.
Mr. Amit Kumar, Adv.
Mr. Piyush Kaushik, Adv.
Mr. Madan Sagar, Adv.
Ms. Aparajita Jha, Adv.**

Ms. Divya Roy, AOR

**UPON hearing the counsel the Court made the following
O R D E R**

I.A. Nos. 187086/2023 and 187090/2023 are filed seeking condonation of delay, setting aside abatement and substitution of legal representatives of deceased respondent No. 1.

Mr. Manish Kumar, learned counsel for Ms. Divya Roy, learned Advocate on Record, states that he shall appear on behalf of the proposed legal representatives and file vakalatnama and counter affidavit within a period of four weeks on behalf of the proposed legal representatives of deceased respondent No. 1 including legal representatives of deceased respondent No.3.

Delay condoned. Abatement is set aside. Application for substitution of legal representatives of deceased respondent No. 1 is allowed. Let substitution be made and amended memo be filed within two weeks accordingly.

Reply to other applications shall also be filed by the counsel for the respondent within the same time.

List the remaining pending applications for consideration on the next date of hearing.

List the matter after four weeks.

**(NIDHI AHUJA)
AR-cum-PS**

**(VIRENDER SINGH)
BRANCH OFFICER**