

ITEM NO.8

COURT NO.16

SECTION XI-A

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(s).18549/2021

(Arising out of impugned final judgment and order dated 19-12-2017 in SA No.318/1998 passed by the High Court Of Orissa At Cuttack)

CHHABI BAGH (DEAD)

Petitioner(s)

VERSUS

SAILA BAGHA (DEAD) THR. LRS.

Respondent(s)

(IA No.194744/2022-CONDONATION OF DELAY IN FILING and IA No.194749/2022-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No.194750/2022-APPLICATION FOR SUBSTITUTION and IA No.194754/2022-SETTING ASIDE AN ABATEMENT and IA No.194753/2022-CONDONATION OF DELAY IN FILING SUBSTITUTION APPLN. and IA No.194746/2022-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 03-03-2023 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s) Mr. Somanatha Padhan, AOR
Mr. Ashok Anand, Adv.
Mr. Rakesh Kumar Singh, Adv.
Mr. Akash Kakade, Adv.
Mr. Manoranjan Meher, Adv.
Mrs. Sujata Kumari Muni, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following

O R D E R

In this case, the Special Leave Petition is filed with an application for condonation of delay of 876 days. We see inadequate explanation for such long delay and hence, the application for condonation of delay is dismissed.

However, we are informed that the appellant has died on

19.11.2019 after the High Court order dated 19.12.2017.

In view above, the applications for condonation of delay in filing substitution application and setting aside abatement are allowed. Accordingly, application for substitution of legal heirs of the original defendant/petitioner is permitted.

(DEEPAK JOSHI)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR