

IN THE HIGH COURT OF JHARKHAND AT RANCHI
S.A. No.70 of 2022

Md. Ajmal & Others				Appellants
<i>Versus</i>				
Kailash Mahto & Others				Respondents

CORAM : HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

For the Appellants : Md. Azam, Advocate

Order No:-07 Dated:-29-08-2024

I.A. No.1707 of 2024

Heard the learned counsel for the appellants.

Learned counsel for the appellants submits that this interlocutory application has been filed with a prayer to exempt to appellants from depositing the court fee of Rs.5,380/-. It is next submitted that the appellants are poor persons and not able to bear the court fee, hence, it is submitted that the appellants be exempted from depositing the court fee.

It is pertinent to mention here that there is provision in law for filing the suits and appeals by paupers. There is no averment that the appellants are paupers. It is also pertinent to mention here that there have been several schemes operated by the Legal Services Authority to enable the poor persons to file legal proceedings including the appeals. There is no averment in the petition as to why the appellants did not approach the Legal Services Authority.

Under such circumstances, this Court is of the considered view that there is no justifiable reason to exempt the appellants from depositing the court fee; which the relevant law prescribes to be deposited by the appellant.

Accordingly, this interlocutory application, being without any merit, is dismissed.

(Anil Kumar Choudhary, J.)

I.A. No.1669 of 2024

Learned counsel for the appellants submits that this interlocutory application has been filed with a prayer to substitute the legal representatives of the deceased respondent No.6 namely Gahan Mahto who died on 01.01.2024 leaving behind his only five legal representatives whose names, parentages and

addresses have been mentioned in para-5 of the instant interlocutory application. It is next submitted that the petition for substitution is within time. It is then submitted that unless the substitution, as prayed for, is allowed, the appellants will be highly prejudiced.

Considering the aforesaid facts, the prayer for substitution of only five legal representatives of the deceased respondent No.6 namely Gahan Mahto, whose names, parentages and addresses have been mentioned in para-5 of the instant interlocutory application, as respondent nos. 6(a) to (e) as prayed for, is allowed.

Registry is directed to incorporate the names, parentage and addresses of only five legal representatives of the deceased respondent No.6 namely Gahan Mahto whose names, parentages and addresses have been mentioned in para-5 of the instant interlocutory application as respondent No.6 (a) to 6 (e) and to mention the word 'Dead' against the name of respondent No.6 namely Gahan Mahto with red ink in the cause title of the appeal memo.

This interlocutory application stands disposed of.

(Anil Kumar Choudhary, J.)

S.A. No.70 of 2022

Learned counsel for the appellants prays for time to remove the defects pointed out by the stamp reporter.

The appellants are directed to remove the defects pointed out by the stamp reporter within three weeks from the date of this order, failing which, this appeal shall stand dismissed without further reference to the Bench.

List this appeal after removal of the defects.