

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 886 - 888 OF 2026
(@ SPECIAL LEAVE PETITION (CIVIL) NOS.10197-10198/2014)

GOURI SHANKAR YADAV

APPELLANT

VERSUS

JANKI DOM (D) THR. LRS. & ORS.

RESPONDENTS

O R D E R

1. Heard learned counsel for the parties.
2. Leave granted.
3. The application for condonation of delay in filing substitution application in respect of the deceased respondent No.1 in the Second Appeal before the High Court has been rejected by the impugned order dated 13/04.01.2013.
4. A perusal of the order reveals that the respondent No.1 in the Second Appeal had died but the substitution application to bring his heirs and legal representatives was filed with the delay of about seven months along with an application to condone the delay in filing the substitution application as well as to set aside the abatement, if any.
5. We find no plausible reason on the part of the High Court in rejecting the delay condonation

application and consequently, substitution application merely for the reason that court presumed that since the parties were resident of same locality, they were aware of the death.

6. No such presumption in law exists. Therefore, the High Court fell in error in rejecting the delay condonation application. In fact, the appellant was not actually aware of the date of the death of the said respondent. This aspect was not considered independently of the above presumption.

7. In view of the aforesaid facts and circumstances, the impugned order dated 13/04.01.2013 is hereby set aside and the delay in filing the substitution application is condoned. The abatement if any, is set aside and the substitution of the heirs and legal representatives of the deceased respondent No.1 in the Second Appeal before the High Court is permitted.

8. The appeals are allowed. Pending application(s), if any, shall stand disposed of.

.....J.
(PANKAJ MITHAL)

.....J.
(S.V.N. BHATTI)

NEW DELHI
09th FEBRUARY, 2026
GA

ITEM NO.61

COURT NO.7

SECTION XVII-B

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

PETITION(S) FOR SPECIAL LEAVE TO APPEAL (C) NO(S). 10197-10198/2014

[Arising out of impugned final/Interim order dated 04-01-2013 in IA No. 1905/2011 04-01-2013 in IA No. 2160/2011 in SA No. 529/2004 04-01-2013 in SA No. 529/2004 passed by the High Court of Jharkhand at Ranchi]

GOURI SHANKAR YADAV

PETITIONER(S)

VERSUS

JANKI DOM (D) THR. LRS. & ORS.

RESPONDENT(S)

Date : 09-02-2026 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PANKAJ MITHAL
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Naseem Ahmed, Adv.
Mr. Chandra Bhushan Prasad, AOR

For Respondent(s) Mr. Haraprasad Sahu, Adv.
Mr. Pranaya Kumar Mohapatra, AOR

UPON hearing the counsel the court made the following
O R D E R

1. Leave granted.
2. The appeals are allowed in terms of the signed order.
3. Pending application(s), if any, shall stand disposed of.

(Nidhi Mathur)
Court Master (NSH)

(Geeta Ahuja)
Assistant Registrar-cum-PS
(Signed Order is placed on the file)