

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

SPECIAL LEAVE PETITION © NO.6479 OF 2005

State of Bihar & Anr.

----Petitioners

Versus

Tribeni Devi (D) by LRs. & Ors.

----Respondents

ORDER

1. There has been a delay of 2459 days in filing the application for substitution for bringing on record the heirs and legal representatives of respondent Nos. 2 and 3. There has also been a delay of 13 days in bringing on record the heirs and legal representatives of respondent No.7. So far as the application for substitution for bringing on record the heirs and legal representatives of the respondent No.7 is concerned, we find that the delay of 13 days in filing the same may be condoned and the heirs and legal representatives of the deceased respondent No.7 be brought on record. The Registry is directed to amend the cause title of the Special Leave Petition. However, considering the facts and circumstances stated in the application for condonation of delay of 2459 days to substitute the heirs and legal representatives of the deceased-respondent Nos.2 and 3, we are of the view that the statements made in the application for condonation of delay to bring on record heirs and legal representatives of respondent Nos. 2 and 3, cannot be accepted. That is to say, sufficient cause was not shown by the State of Bihar to bring the heirs and legal representatives of the deceased-respondent Nos. 2 and 3 on record and also considering the fact that the delay was enormous, i.e. 2459 days, which has not been properly explained, we do not find any reason to allow the said application even on payment of costs. Accordingly, the application for substitution for bringing on record the heirs and legal representatives of the deceased-respondent Nos. 2 and 3 is rejected. Since the Special Leave Petition has been

filed against the respondents and award passed by the authorities in respect of which execution case is pending and out of which, civil revision case was filed, which was disposed of by the High Court by the impugned order, we are of the view that no useful purpose shall be served if the application for condonation of delay in filing the application for substitution on the death of the respondent Nos. 2 and 3 is allowed.

2. That being the position, the Special Leave Petition stands rejected on the ground stated herein above. However, even on merits, we do not find any ground to interfere with the order passed by the High Court in its revisional jurisdiction, by which the High Court has directed that for the ends of justice, the period of depositing the amount be extended by 15th of May, 2004, failing which the executing court was directed to immediately execute the warrant of arrest against the Secretary, Water Resources Department, Patna, Bihar and send the same to Superintendent of Police, Patna with the direction to execute the same within the time specified by the court.

3. For the reasons aforesaid, the Special Leave Petition is rejected on the ground of delay as well as on merits. There will be no order as to costs.



.....J.
[Tarun Chatterjee]

JUDGMENT

New Delhi;
July 31, 2009.

.....J.
[R.M.Lodha]

SUPREME COURT OF INDIA



JUDGMENT