

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16490 of 2011

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Vishwanath @ Bishwanath Pandey son of late Bindeshwari Pandey resident of village-Anith, Ward No. 17 (old) 43 New P.S. Nawadah, District-Bhojpur.

.... Petitioner/s

Versus

1. Ram Narain Pandey.
2. Gopal Pandey.
3. Krishna Kumar Pandey 2 to 3 are sons of late Bindeshwari Pandey.
4. Parsuram Pandey.
5. Chhotelal Pandey.
6. Lalbaboo Pandey 4 to 6 are sons of late Umeshankar Pandey by caste Brahmin by profession Cultivation, service, and business all 1 to 6 resident of village-Anaith, Ward No. 17 (old and new ward No. 43) P.S. Ara nawada, District-Bhojpur (Bihar.).
7. Sujeet Prasad.
8. Ajit Prasad.
9. Sonu Prasad, 7 to 9 are sons of late Dwarika Prasad son of late Bishwanath Prasad.
10. Satya Narain Prasad son of late Viswanath Prasad resident of Mohalla-Nawadah, P.S. Nawadah, District-Bhojpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Nilima Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL ORDER

6 09-03-2015 Nobody appears on behalf of the petitioner. Nobody had also appeared even on earlier date on behalf of the petitioner.

The learned counsel for the defendant-respondents is present and has submitted that the respondent no. 3 Krishna

Kumar Pandey and respondent no. 10 Satya Narain Prasad (wrongly described as respondent no. 11 in the notice) died long back and in spite of grant of time to take steps for substitution of their heirs and legal representatives, no substitution petition was filed resulting in dismissal of this writ application in default as against those respondent nos. 3 and 10. It has also been submitted that after the dismissal of this writ application as against the aforesaid respondents particularly the respondent no. 10, this writ application has become incompetent.

After considering the submissions and the facts and circumstances of the case, it transpires that this writ application has stood dismissed for default as against respondent no. 3 Krishna Kumar Pandey and respondent no. 10 Satya Narain Prasad. The respondent no. 10 Satya Narain Prasad was one of the defendants in the suit. As such, proceeding further with this writ application may result in chances of inconsistent or conflicting orders.

This writ application is therefore dismissed as incompetent.

(V. Nath, J)

Devendra/-

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