

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13611 of 2013

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1. Sunil Kumar Singh Son Of Sri Kedar Nath Singh Resident Of Village Hausi Masahai, P.S. Bhagwanpur, District - Vaishali, At Present East Boaring Road, Patna - 1

.... Petitioner/s

Versus

1. Smt. Shail Ojha Wife Of Sri Awadh Bihari Ojha Resident Of Village - Paharpur, P.O. Umarac Ganj, P.S. Bihiya, District - Bhojpur, At Present Residing At Mohalla - Boaring Road, P.O. - G.P.O., P.S. Budha Colony, District - Patna
2. Sohan Lall Son Of Late Sri Ram Dhayan Rai Resident Of Mohalla - Dujara, P.S. Budha Coloney, P.O. - G.P.O., District - Patna
3. Mohan Rai Son Of Late Sri Ram Dhayan Rai Resident Of Mohalla - Dujara, P.S. Budha Coloney, P.O. - G.P.O., District - Patna
4. Panwa Devi Wife Of Late Sri Chandradeep Rai Resident Of Mohalla - Dujara, P.S. Budha Coloney, P.O. - G.P.O., District - Patna
5. Sunaina Devi Wife Of Late Sri Chandradeep Rai Resident Of Mohalla - Dujara, P.S. Budha Coloney, P.O. - G.P.O., District - Patna
6. Rina Daughter Of Late Nagina Rai Resident Of Mohalla - Dujara, P.S. Budha Coloney, P.O. - G.P.O., District - Patna
7. Renu Daughter Of Late Nagina Rai Resident Of Mohalla - Dujara, P.S. Budha Coloney, P.O. - G.P.O., District - Patna
8. Rabri Daughter Of Late Nagina Rai Resident Of Mohalla - Dujara, P.S. Budha Coloney, P.O. - G.P.O., District - Patna
9. Golu Son Of Late Nagina Rai Resident Of Mohalla - Dujara, P.S. Budha



Coloney, P.O. - G.P.O., District - Patna

10. Munna Rai Son Of Late Sri Chandradeep Rai Resident Of Mohalla - Dujara,
P.S. Budha Coloney, P.O. - G.P.O., District - Patna

11. Damayabnti Gupta Daughter Of Bhola Prasad Gupta Resident Of Main Road,
P.S. & P.O. Sitamarhi, District - Sitamarhi

12. Kapildeo Prasad Son Of Sri Gaya Prasad Resident Of Village + P.O. + P.S.
Bairganiy, District Sitamarhi, At Present East Boaring Road, Patna

13. Sheo Shankar Son Of Ram Jiwan Rai Resident Of Mohalla - Dujara, P.S.
Budha Coloney, P.O. - G.P.O., District - Patna

14. Ram Krishna Rai Son Of Late Dwarika Rai Resident Of Mohalla - Dujara, P.S.
Budha Coloney, P.O. - G.P.O., District - Patna

15. Ram Ekbal Rai Son Of Late Ram Nath Rai Resident Of Mohalla - Dujara, P.S.
Budha Coloney, P.O. - G.P.O., District - Patna

16. Lalla Rai Son Of Late Ram Nath Rai Resident Of Mohalla - Dujara, P.S.
Budha Coloney, P.O. - G.P.O., District - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. RANJEET KUMAR, ADV
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 22-11-2016

Heard learned counsel for the petitioner.

By the impugned order the learned court below has
allowed the prayer made on behalf of the petitioner as contained in
his petition dated 05.12.2012 (Annexure-2) for substituting the



heirs and legal representatives of the deceased Defendant No. 7(a) and Defendant No. 2 after condonation of delay and also after recalling the earlier order for abatement in that regard.

The petitioner is Defendant No. 13 in the suit. The substituted heirs of the deceased defendants have not come before this Court complaining against their substitution.

After considering the facts and circumstances of the case and submissions made on behalf of the petitioner and perusal of the materials on record and the impugned order, this Court does not find that the court below has committed any illegality in passing the order for substitution as prayed by the plaintiff in the facts and circumstances of the case. This court therefore is not inclined to invoke its jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order.

The application is accordingly dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	
CAV DATE	NA
Uploading Date	26.12.2016
Transmission Date	NA

