

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16827 of 2013

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Ram Naresh Rai Son Of Late Ram Narayan Rai Resident Of Village -
Pasopur, P.S. Bhagwanpur, District - Begusarai, A/P Mohalla - Damdia, (
Near Kabristan), P.O. Anishabad, District - Patna

.... Petitioner/s

Versus

1. Kumar Brajesh Son Of Late Ram Narayan Rai Resident Of Village -
Pasopur, P.S. Bhagwanpur, District - Begusarai
2. Ram Kishore Rai Son Of Late Ram Narayan Rai Resident Of Village -
Pasopur, P.S. Bhagwanpur, District - Begusarai
3. Ram Binod Rai Son Of Late Ram Narayan Rai Resident Of Village -
Pasopur, P.S. Bhagwanpur, District - Begusarai
4. Ram Bhushan Rai Son Of Late Ram Narayan Rai Resident Of Village -
Pasopur, P.S. Bhagwanpur, District - Begusarai
5. Kumar Vivak Son Of Ram Kishore Rai Resident Of Village - Pasopur,
P.S. Bhagwanpur, District - Begusarai
6. Bikash Ji Son Of Ram Binod Rai Resident Of Village - Pasopur, P.S.
Bhagwanpur, District - Begusarai
7. Prakash Ji Son Of Ram Binod Rai Resident Of Village - Pasopur, P.S.
Bhagwanpur, District - Begusarai

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Satyendra Narayan Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA
ORAL ORDER

2 04-10-2016 Heard learned counsel for the petitioner and
respondents.

This application under Article 227 of the
Constitution of India is directed against the order dated
14.05.2013, whereby the learned Sub-Judge-XII, Patna allowed
the application of the defendant no.5/respondent no.1 to
transpose him as plaintiff in the suit due to death of his father

plaintiff-Ram Narayan Rai.

Learned counsel appearing on behalf of the petitioner submits that in fact, Late Ram Narayan Rai filed the suit for declaration of right, title and interest in respect to suit land and also for partition of his share in case of finding the land in dispute as joint family property against his five sons, three grandsons and his wife with contention that the suit land belongs to him and his son, defendant no.1/petitioner. As such, the learned Sub-Judge illegally allowed the application of defendant/respondent no.1 under Order 1 Rule 10 of the C.P.C. for his transposition as plaintiff in the suit land.

The impugned order shows that the learned Sub-Judge allowed the application of defendant no.5/respondent no.1 arriving at the conclusion that for complete justice and to avoid the multiplicity of suit transposing of defendant no.5/respondent no.1 as plaintiff due to death of plaintiff is necessary.

I find no illegality in the impugned order for interference under Article 227 of the Constitution of India. Accordingly, this application is dismissed.

(Rajendra Kumar Mishra, J)

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