

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10947 of 2014

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Amrendra Narayan Pathak son of Late Jangali Pathak resident of village -
Niyagjipur, P.S. - Simari, District - Buxar.

.... Petitioner/s

Versus

Smt. Bibha Devi wife of Rajiv Lal resident of village - Badhaka,
Singhanpura, P.S. - Simari, District - Buxar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rang Nath Choubey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 18-07-2016

Heard the learned counsel for the petitioner as

well as the learned counsel appearing for the sole respondent.

This application has been filed wherein Smt. Bibha Devi wife of Rajiv Lal has been impleaded as sole respondent. It however appears from the interlocutory application (I.A.No.5334/2013), the copy of which has been served on the learned counsel appearing for the petitioner on 25.07.2014 that the sole respondent Bibha Devi of this application was already dead and her heirs and legal representatives have been substituted in the court below by order dated 05.03.2013 passed in Eviction Suit No.01/2004. However, those substituted heirs of the deceased plaintiff-Bibha Devi have not been impleaded in this application which is manifestly filed against the dead person.

The learned counsel for the petitioner has prayed for adjournment to take steps for substitution. This Court, however, finds that the prayer is not entertainable in the facts and circumstances of the case.

The petition is therefore not maintainable and is accordingly dismissed.

(V. Nath, J)

Nitesh/-

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