

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.483 of 2016**

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Prahlad Prasad

.... Appellant/s

Versus

Rohit Kumar & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dr. Alok Kumar Sinha

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 01-09-2016

Heard the learned counsel, Dr. Alok Kumar Sinha for the
petitioner.

Perused the order dated 25.02.2016 passed by the learned
Sub Judge VII, Saran, Chapra in Title Suit No.132 of 2006
whereby the learned Court below held that the Court who has
passed the order dated 04.07.2015 will be the best Court to
appreciate and consider the application of review and directed the
petitioner to take appropriate steps.

From perusal of this Civil Miscellaneous application, it
appears that the order, which is sought to be reviewed i.e. order
dated 04.07.2015, is Annexure 1 to this Civil Miscellaneous
application. From perusal of the said order, it appears that the
original plaintiff died on 27.09.2009 and thereafter the present
plaintiffs-respondents have been substituted in his place. The
petitioner filed application for deciding the legal representatives of

the deceased sole plaintiff. According to the petitioners, the father of the present respondents is still there, therefore, the respondents are not the heirs of the deceased plaintiff. The Court below by that order dated 04.07.2015 had allowed the substitution of the plaintiffs-respondents.

So far the question that whether they are entitled to any relief or not is a question that can be decided finally at the stage of hearing. It appears that the petitioner is trying to delay the matter. The order dated 04.07.2015 is perfect, legal, valid and within the jurisdiction of the Court and, therefore, it needs no review.

In view of the above facts and circumstances of the case, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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