

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1317 of 2016

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Rajan Kumar Sharma & Ors

.... Appellant/s

Versus

Ravindra Kumar Mehta & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ambrish Kumar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 15-11-2016

Heard the learned counsel for the petitioner.

Perused the impugned order dated 6.8.2016 passed by Sub Judge Ist, Munger in Title Suit No.209 of 2013 whereby the learned Court below treating the substitution application as an application under Order 1 Rule 10 sub Rule 2 CPC added the legal representatives of the deceased defendant No.1 in place of the deceased defendant No.1.

From perusal of the impugned order, it appears that the defendant No.1 died in the year 1997 but the suit was filed in the year 2013 making the deceased as defendant No.1. Subsequently, when the plaintiff came to know about the death of defendant No.1, he filed the substitution application and when objection was raised by the petitioner, the Court below treated the application as an application under Order 1 Rule 10 CPC and added the legal representatives.

Therefore, I find that there is no illegality or irrationality in the order passed by the Court below. Therefore, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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