

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CIVIL MISCELLANEOUS JURISDICTION No.1202 of 2016**

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Akhouri Mahan Sinha

.... .... Appellant/s

Versus

Renu Devi & Ors

.... .... Respondent/s

=====

**Appearance :**

For the Appellant/s : Mr. Pandey Sanjay Sahay

For the Respondent/s : Mr.

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

**ORAL ORDER**

3      09-12-2016

Heard learned counsel for the petitioner.

Perused the impugned order dated 02.09.2016 passed by Subordinate Judge-VIII, Buxar in Title Suit No.482 of 2015/779 of 2015 whereby the learned court below has allowed the substitution application filed by the two legal representatives of the deceased sole plaintiff.

The defendant-petitioner Akhouri Mahan Sinha prayed that he may also be substituted in place of the deceased sole plaintiff. The court below by the impugned order has held that since the petitioner is already on record as defendant no.1, the other legal representatives i.e. the two petitioners are required to be substituted and accordingly substitution has been allowed.

In view of the above fact that since the petitioner is already on record and under Order 22 Rule 3 of the Code of Civil Procedure only legal representatives are to be brought on record,



there is no question of any prejudice to the petitioner arises. While deciding the question of substitution the heirship is not required to be decided.

Thus, this civil miscellaneous application is dismissed.

**(Mungeshwar Sahoo, J)**

Harish/-

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