

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14407 of 2013

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Bimal Kumar Rai Son Of Ganga Prasad Rai Resident Of Mauza- Rampur Shyamchand Sahastabad, Post Office- Rampur Shyamchand, Police Station- Raghapur, District- Vaishali

.... Petitioner

Versus

1. Sakaldeep Rai Son Of Late Mahavir Rai Resident Of Mauza- Rampur Shyamchand At Present Mauza- Sahastabad, Post Office- Mohanpur, Police Station- Raghapur, District- Vaishali
2. Pradeep Rai Son Of Late Mahavir Rai Resident Of Mauza- Rampur Shyamchand At Present Mauza- Sahastabad, Post Office- Mohanpur, Police Station- Raghapur, District- Vaishali
3. Kuldeep Rai Son Of Late Mahavir Rai Resident Of Mauza- Rampur Shyamchand At Present Mauza- Sahastabad, Post Office- Mohanpur, Police Station- Raghapur, District- Vaishali
4. Navdeep Rai Son Of Late Mahavir Rai Resident Of Mauza- Rampur Shyamchand At Present Mauza- Sahastabad, Post Office- Mohanpur, Police Station- Raghapur, District- Vaishali
5. Jagdeep Rai Son Of Late Mahavir Rai Resident Of Mauza- Rampur Shyamchand At Present Mauza- Sahastabad, Post Office- Mohanpur, Police Station- Raghapur, District- Vaishali
6. Fakira Rai Son Of Harvanshu Rai Resident Of Mauza- Rampur Shyamchand, Post Office- Shyamchand, Police Station- Raghapur, District- Vaishali
7. Ameena Rai Son Of Harvanshu Rai Resident Of Mauza- Rampur Shyamchand, Post Office- Shyamchand, Police Station- Raghapur, District- Vaishali
8. Raghuvir Rai Son Of Harvanshu Rai Resident Of Mauza- Rampur Shyamchand, Post Office- Shyamchand, Police Station- Raghapur, District- Vaishali
9. Gangajali Devi Wife Of Harvanshu Rai Resident Of Mauza- Rampur Shyamchand, Post Office- Shyamchand, Police Station- Raghapur, District- Vaishali
10. Vikash Rai Son Of Late Tej Narain Rai Resident Of Mauza- Ram Nagar Diyara, Post Office- Ram Nagar, Police Station- Bakhtiyarpur, District- Vaishali
11. Jimidar Rai Son Of Late Tej Narain Rai Resident Of Mauza- Ram Nagar Diyara, Post Office- Ram Nagar, Police Station- Bakhtiyarpur, District- Vaishali
12. Saheb Rai Son Of Late Tej Narain Rai Resident Of Mauza- Ram Nagar Diyara, Post Office- Ram Nagar, Police Station- Bakhtiyarpur, District- Vaishali
13. Mostt. Maniya Devi Wife Of Late Tej Narain Rai Resident Of Mauza- Ram Nagar Diyara, Post Office- Ram Nagar, Police Station- Bakhtiyarpur, District- Vaishali
14. Nadav Rai Son Of Deep Narain Rai Resident Of Mauza- Ram Nagar Diyara, Post Office- Ram Nagar, Police Station- Bakhtiyarpur, District- Vaishali
15. Silav Rai Son Of Deep Narain Rai Resident Of Mauza- Ram Nagar Diyara, Post Office- Ram Nagar, Police Station- Bakhtiyarpur, District- Vaishali
16. Sitav Rai Son Of Deep Narain Rai Resident Of Mauza- Ram Nagar Diyara, Post Office- Ram Nagar, Police Station- Bakhtiyarpur, District- Vaishali
17. Mostt. Kaulasiya Devi Wife Of Deep Narain Rai Resident Of Mauza- Ram Nagar Diyara, Post Office- Ram Nagar, Police Station- Bakhtiyarpur, District- Vaishali



18. Sakaldeo Rai Son Of Daroga Rai Resident Of Mauza- Ram Nagar Diyara, Post Office- Ram Nagar, Police Station- Bakhtiyarpur, District- Vaishali
19. Hare Kisun Rai Son Of Daroga Rai Resident Of Mauza- Ram Nagar Diyara, Post Office- Ram Nagar, Police Station- Bakhtiyarpur, District- Vaishali
20. Sukhdeo Rai Son Of Daroga Rai Resident Of Mauza- Ram Nagar Diyara, Post Office- Ram Nagar, Police Station- Bakhtiyarpur, District- Vaishali
21. Mostt. Lakhpati Devi Wife Of Daroga Rai Resident Of Mauza- Ram Nagar Diyara, Post Office- Ram Nagar, Police Station- Bakhtiyarpur, District- Vaishali
22. Ram Vishnu Rai Son Of Late Prayag Rai Resident Of Mauza- Ram Nagar Diyara, Post Office- Ram Nagar, Police Station- Bakhtiyarpur, District- Vaishali
23. Ram Dayal Rai Son Of Late Prayag Rai Resident Of Mauza- Ram Nagar Diyara, Post Office- Ram Nagar, Police Station- Bakhtiyarpur, District- Vaishali
24. Lalpari Devi Wife Of Late Prayag Rai Resident Of Mauza- Ram Nagar Diyara, Post Office- Ram Nagar, Police Station- Bakhtiyarpur, District- Vaishali
25. Ram Chandra Rai Son Of Late Baldeo Rai Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali
26. Shyam Chandra Rai Son Of Late Baldeo Rai Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali
27. Mostt. Patiya Devi @ Kina Devi Wife Of Late Ajablal Rai Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali
28. Vijendra Rai Son Of Late Ajablal Rai Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali
29. Upendra Rai Son Of Late Ajablal Rai Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali
30. Vinod Rai Son Of Late Ajablal Rai Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali
31. Mithilesh Kumar Son Of Late Ajablal Rai Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali
32. Sonapmati Devi Wife Of Late Yadu Rai Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali
33. Nagendra Prasad Rai Son Of Late Jagat Narain Rai Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali
34. Janardan Prasad Rai Son Of Late Jagat Narain Rai Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali
35. Mostt. Lalmuni Devi Wife Of Late Shyam Nandan Prasad Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali
36. Tuntun Kumar Son Of Late Shyam Nandan Prasad Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali
37. Baua Kumar Son Of Late Shyam Nandan Prasad Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station-



Bakhtiyarpur, District- Vaishali

38. Bhuvneshwar Prasad Yadav Son Of Late Yamuna Rai Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali

39. Ranvijay Rai Son Of Late Yamuna Rai Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali

40. Laxmi Narain Rai Son Of Giridhari Rai Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali

41. Mostt. Ram Sukhiya Devi Wife Of Late Prabhu Rai Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali

42. Arvind Kumar Rai Son Of Late Prabhu Rai Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali

43. Sarvind Rai Son Of Late Prabhu Rai Resident Of Mauza- Rampur Shyamchand Sahashabad, Post Office- Rampur Shyamchand, Police Station- Bakhtiyarpur, District- Vaishali

.... Respondents

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Appearance :

For the Petitioner/s : Mr. RATNA DEEP PRASAD

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 01-12-2016

Heard the learned counsel for the petitioner.

The learned counsel for the petitioner has submitted that the prayer in the present writ application is confined to the direction in the impugned order with regard to cost. It has been the submission on behalf of the petitioner that the amount of cost is heavy and therefore the said amount be reduced reasonably.

It appears from the perusal of the impugned order as well as the consideration of the submissions on behalf of the petitioner that the suit has been filed in the year 1982. During the pendency of



the suit, some of the plaintiffs died but the petition for substitution was filed after delay of nearly 6-7 years. The learned court below though has condoned the delay and allowed the prayer for substitution as made by the plaintiffs but in order to balance the equity, the cost of Rs.10,000/- has been imposed. The learned counsel for the petitioner has submitted that the cost amount has already been deposited. In the facts and circumstances as above, this Court is not inclined to interfere in the discretion exercised by the learned court below.

The application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

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