

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1251 of 2016

In

C.R. 113 of 2013

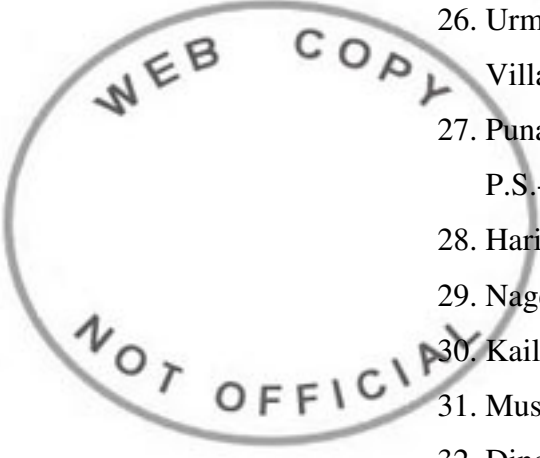
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Anil Kumar Singh Son of Late Ram Murti Singh Resident of Village- Iswar
Singh Ka Tola, P.S.- Jagdishpur, District- Bhojpur.

.... Petitioner/s

Versus

1. Jagdish Singh Son of Paras Singh
2. Phul Jharo Kuar wife of Ram Parvesh Singh
3. Dinesh Singh Son of Ram Parvesh Singh
4. Vidya Sagar Singh Son of Ram Parvesh Singh
5. Manish Kumar Son of Ram Parvesh Singh
6. Jang Bahadur Singh Son of Ram Ashish Singh
7. Ram Bahadur Singh Son of Ram Ashish Singh null
8. Birendar Singh Son of Ram Pukar Singh
9. Raj Muni Devi D/o Ram Layak Singh Wife of Onkarnath Singh Aayar
Bhojpur. null
10. Indu Devi D/o Ram Layak Singh Village- Jamuaon, P.S.- Jamaniya,
Gajpur.
11. Kiran Kumari D/o Ram Layak Singh
12. Musmat Pushpa Kuar wife of Sudarshan Singh
13. Shima Devi D/o Sudarshan Singh
14. Sonu Devi D/o Sudarshan Singh
15. Monu Devi D/o Sudarshan Singh
16. Manju Devi D/o Sudarshan Singh, wife of Manoj Singh Resident of
Village Jamua, P.S.- Barsanda Gajipur.
17. Chandarma Singh Son of Late Tribeni Singh
18. Ramakant Singh Son of Late Tribeni Singh
19. Sukhdeo Singh Son of Lal Bahadur Singh
20. Laxuman Singh Son of Chand Govind Singh
21. Sachidanand Singh Son of Ram Bachan Singh
22. Nand Gopal Singh Son of Ram Bachan Singh All resident of Village-
Iswar Singh Ka Tola P.S.- Anchal- Jagdishpur, District- Bhojpur.
23. Umesh Singh Son of Shambhu Singh

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24. Kamlesh Singh Son of Shambhu Singh
 25. Ashok Singh Son of Shambhu Singh
 26. Urmila Devi D/o Shambhu Singh, wife of Harendar Singh Resident of Village & P.O.- Barhow.
 27. Punam Devi D/o Shambhu Singh All village- Ishwar Singh Ka Tola, P.S.- Jagdishpur, District- Bhojpur.
 28. Harindar Singh Son of Bhuneshwar Singh
 29. Nagendar Singh Son of Bhuneshwar Singh
 30. Kailash Singh Son of Late Gopi Singh
 31. Musmat Malti Devi Wife of Bachu Singh
 32. Dinesh Singh Son of Bachu Singh
 33. Sudist Singh Son of Bachu Singh
 34. Mithlesh Singh Son of Bachu Singh
 35. Indu Devi D/o Bachu Singh, wife of Sohan Singh, Resident of Village- Kharwania, P.S. Nawanagar, District- Buxar, C/o Nagendar Singh, Permanent address- Village Iswar Singh Ka Tola, P.O.- Baulipur, P.S.- Jagdishpur, District- Bhojpur.
 36. Anita Devi D/o Bachu Singh, Wife of Prabhat Kumar, resident of Village- Patiknar, P.S.- Nawanagar, District- Buxar, Permanent address- C/o Nagendar Singh, Village- Iswar Singh Ka Tola, P.O.- Baulipur, PS.- Gagdishpur, District- Bhojpur.
 37. Binita Kumari D/o Bachu Singh
 38. Mira Devi D/o Bachu Devi, wife of Haradar Singh, Resident of Village Iswar Singh Ka Tola, P.S.- Jagdishur, District- Bhojpur.
 39. Ram Kumar Singh Son of Jang Bahadur Singh
 40. Santosh Kumar Singh Son of Rang Bahadur Singh Address/Mohalla- Hanuman Naga Singh, General Store Kirana Kankarbagh, Patna, Permanent address- Iswar Singh Ka Tola, Post- Baulipur, Beheya, P.S.- Jagdishpur, District- Bhojpur.
 41. Shio Kumari Devi wife of Nand Gopal Singh
 42. Phulbadan Devi wife of Sachidanand Singh
 43. Asharani wife of Rameshwar Singh All serial No. 40 to 44 of Village- Fafder P.S.- Murar, District- Buxar, S.No.-41 to 43 will Iswar Singh Ka Tola, P.S.- Jagdishpur, District- Bhojpur.
 44. Arun Singh Son of Ram Murti Singh

45. Shail Kumari wife of Sunil Singh Both resident of Village- Ishwar Singh Ka Tola, P.S.- Jagdishpur, District- Bhojpur.

46. Nutan Devi Wife of Bansidhar Singh resident of Village- Epanjaran, P.S.- Nuaon, District- Kaimur.

47. Nitu Devi Wife of Manoj Kumar Singh resident of Village & P.O.- Sawol, District- Gajipur, Both SI No. 46 and 47 Daughter of Ram Murti Singh

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Ram Lallan Singh

For the Respondent/s : Mr. Arun Prasad Ambastha

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 20-07-2016 Heard learned counsel for the petitioner in this restoration application.

The prayer has been made to restore the revision application to its original file. This revision application has been filed against the order dated 10.04.2013 whereby the prayer of the petitioner for substitution of the heirs and legal representatives of the deceased defendant no. 13 Shambhu Singh was rejected by the learned court below and thereafter the suit was dismissed as abated against the said defendant. Such an order is clearly appealable under the provisions of Order 43 Rule 1 (k) C.P.C.

In this view of the matter, this Court comes to the conclusion that this revision application is not maintainable. It is

also further held that the restoration of this revision application would not serve any purpose in view of the aforesaid fact that it is not maintainable.

The prayer for restoration of the revision application is, accordingly, rejected. However, the petitioner shall be at liberty to take appropriate remedy in accordance with law.

(V. Nath, J)

Devendra/-

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