

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.155 of 2013

=====

Amrendra Narayan Singh Son Of Late Ram Nagina Singh Resident Of
Village-Bajardihwan, P.S.-Bhagwanpur, District-Kaimur At Bhabua

.... Petitioner/s

Versus

1. Deokati Kuer Wife Of Bal Kishun Bind Resident Of Village-Chuan,
P.S.-Bhagwanpur, District-Kaimur At Bhabua
2. Tetari Devi @ Malati Devi Wife Of Kapilmuni Bind Resident Of
Village-Chuan, P.S.-Bhagwanpur, District-Kaimur At Bhabua
3. Vimal Devi Wife Of Rajendra Bind Resident Of Village-Chuan, P.S.-
Bhagwanpur, District-Kaimur At Bhabua
4. Chandrawati Devi Wife Of Bindar Bind Resident Of Village-Chuan,
P.S.-Bhagwanpur, District-Kaimur At Bhabua
5. Fuljhari Devi Wife Of Shiv Nath Bind Resident Of Village-Chuan, P.S.-
Bhagwanpur, District-Kaimur At Bhabua
6. Jiyachi Devi Wife Of Deo Nath Bind Resident Of Village-Chuan, P.S.-
Bhagwanpur, District-Kaimur At Bhabua
7. Rukumni Devi Wife Of Ram Surat Koiri Resident Of Village-Chuan,
P.S.-Bhagwanpur, District-Kaimur At Bhabua
8. Munni Devi Wife Of Shoe Muni Koiri Resident Of Village-Chuan, P.S.-
Bhagwanpur, District-Kaimur At Bhabua
9. Vijayee Devi Wife Of Ram Kishore Koiri Resident Of Village-Chuan,
P.S.-Bhagwanpur, District-Kaimur At Bhabua
10. Tetari Devi @ Atwariya Devi Wife Of Manohar Chamar Resident Of
Village-Chuan, P.S.-Bhagwanpur, District-Kaimur At Bhabua
11. Kanti Devi Wife Of Shobh Nath Bind Resident Of Village-Chuan, P.S.-
Bhagwanpur, District-Kaimur At Bhabua
12. Chaniya Devi Wife Of Shobhu Bind Resident Of Village-Chuan, P.S.-
Bhagwanpur, District-Kaimur At Bhabua

.... Opposite Parties.

=====

Appearance :

For the Petitioner/s : Mr. Satyendra Pandey
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

4 30-06-2016

Heard the learned counsel for the petitioner.

The present revision application has been filed
assailing the order by which the learned court below has allowed
the prayer for substitution of the plaintiff no.5-Sharda Kuer who

died during the pendency of the suit.

The learned counsel for the defendant-petitioner has submitted that the date of death of plaintiff no.5 was seriously disputed by the petitioner and in support of the correct date of death the certificate given by the Panchayat Secretary, Gram Panchayat, Ramgarh was also produced but the learned court below has wrongly allowed the prayer for substitution after condonation of delay. It has however been accepted by the learned counsel appearing for the petitioner that the suit would not entirely abate for non-substitution of the heirs and legal representatives of the plaintiff no.5.

After considering the submissions and perusal of the impugned order, it transpires that the learned counsel for the defendant-petitioner in the court below has agreed that the prayer for substitution may be allowed but with heavy cost. This fact has been mentioned in the impugned order. It is only thereafter that the learned court below has imposed cost of Rs.1,000/- at the time of allowing the prayer for substitution. This Court has not been persuaded, in this backdrop, to find that any prejudice would be caused to the defendant-petitioner by the substitution of the heirs and legal representatives of the deceased plaintiff no.5 and the only consequence would be that the suit would be tried on merits in presence of the heirs and legal

representatives of the deceased plaintiff no.5. This Court comes to the conclusion that no error of jurisdiction or material irregularity has been committed by the learned court below.

The revision application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

U			
---	--	--	--