

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9345 of 2013

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1. Harendra Tiwary Son Of Late Binda Tiwari Resident Of Mohalla - P And
T Colony, Mithanpura, P.S. Mithanpura, District - Muzaffarpur

.... Petitioner/s

Versus

1. Smt. Malti Sinha Wife Of Shri Ashok Kumar Singh Resident Of Village
- Ghataro, P.S. Kartaha, District - Vaishali

2. Devendra Tiwari Son Of Late Binda Tiwary Resident Of Mohalla - P
And T Colony, Mithanpura, P.S. Mithanpura, District - Muzaffarpur

3. Ashok Tiwari Son Of Late Chandra Shekhar Tiwari Resident Of
Mohalla - P And T Colony, Mithanpura, P.S. Mithanpura, District -
Muzaffarpur

4. Sushil Tiwari Son Of Late Chandra Shekhar Tiwari Resident Of
Mohalla - P And T Colony, Mithanpura, P.S. Mithanpura, District -
Muzaffarpur

5. Ranjit Tiwary Son Of Late Chandra Shekhar Tiwari Resident Of
Mohalla - P And T Colony, Mithanpura, P.S. Mithanpura, District -
Muzaffarpur

6. Ram Arti Devi Wife Of Late Uma Shankar Tiwari Resident Of Mohalla
- P And T Colony, Mithanpura, P.S. Mithanpura, District - Muzaffarpur

7. Smt. Shanti Devi Wife Of Shri Ram Sigarath Singh Resident Of Village
- Methaura, P.S. Sitamarhi Sadar, District - Sitamarhi

8. Renu Devi Wife Of Prithvi Narayan Singh Resident Of V.C. Lane, P.S.
Mithanpura, District - Muzaffarpur

9. Ajay Tiwari Son Of Late Uma Shankar Tiwari Resident Of Mohalla -
Durga Asthan Mithanpura, P.S. Mithanpura, District - Muzaffarpur

10. Sanjay Tiwari Son Of Late Uma Shankar Tiwari Resident Of Mohalla -
Durga Asthan Mithanpura, P.S. Mithanpura, District - Muzaffarpur

11. Sangita Devi Daughter Of Late Uma Shankar Tiwary Resident Of
Mohalla - Durga Asthan Mithanpura, P.S. Mithanpura, District -
Muzaffarpur

12. Anita Devi Daughter Of Late Uma Shankar Tiwary Resident Of
Mohalla - Durga Asthan Mithanpura, P.S. Mithanpura, District -
Muzaffarpur

13. Binita Devi Daughter Of Late Uma Shankar Tiwary Resident Of
Mohalla - Durga Asthan Mithanpura, P.S. Mithanpura, District -
Muzaffarpur

14. Veena Devi Daughter Of Late Uma Shankar Tiwary Resident Of
Mohalla - Durga Asthan Mithanpura, P.S. Mithanpura, District -
Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, -Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

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23-06-2016

Heard learned counsel for the petitioner.

As the learned lower court allowed substitution after condoning the delay as well as recalling abatement after lapse of so many years which caused annoyance to the petitioner/defendant and on account thereof, the order impugned has been challenged.

The learned lower court had rightly perceived on account of presence of wife of deceased since before, the right to sue survives and consequent thereupon, allowing prayer of substitution did not find any curse and so, the instant petition sans merit and is, accordingly, rejected.

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(Aditya Kumar Trivedi, J)

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