

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.858 of 2016**

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Sarjug Ram @ Sarjugh Singh @ Sarjug Prasad & Anr
..... Appellant/s

Versus

Pradeep Kumar & Ors
..... Respondent/s

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Appearance :
For the Appellant/s : Mr. Surendra Kumar
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 21-10-2016

Heard learned counsel for the petitioners.

Perused the order dated 18.05.2016 passed by learned
Munsif-II, Biharsharif in Eviction Suit No.07 of 2003 whereby the
learned court below has allowed the substitution application only.

It appears that eviction suit has been filed by the original
plaintiff against the defendants-petitioners. After death of original
plaintiff her legal representatives have been substituted. The
petitioners are taking plea that they had filed objection to the
substitution application but it has not been considered.

In my opinion, since the court below has only allowed
the substitution application after the death of sole plaintiff, no
prejudice is caused to the other side i.e. the tenant. In fact, it
appears that the defendants, who are tenants, are adopting the
dilatory tactics, therefore, this civil miscellaneous application is
devoid of merit and accordingly, it is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

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