

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8700 of 2015

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1. Nageshwar Sahni Son of Late Baijnath Sahni
 2. Kailash Sahni Son of Late Manrup Sahni Both resident of village - Samra, P.S. Madhuban, P.O. Koilhara, District - East Champaran

.... Petitioner/s

Versus

1. Hemanti Devi Wife of Shri Darshan Sahni & Daughter of Late Ganga Sahni resident of village - Semra, P.O. Koilhara, P.O. P.S. Maduban Distt. - East Champaran
2. Smt. Parwati Devi Wife of Ramayan Sahni & Daughter of Late Ganga Sahni resident of village - Majhar Pandubi, P.O. Mazhar, P.S. Pakaridayal, District - East Champaran
3. Smt. Sanju Devi Wife of Rajiv Kumar & Daughter of Late Ganga Sahni resident of village - Sikandrapur Kundal, P.O. Head Post office, Muzaffarpur, P.S. & P.O. Distt. - Muzaffarpur
4. Laxmi Sahni Son of Late Khelawan Sahni
5. Ram Bilas Sahni
6. Babulal Sahni
7. Vishwanath Sahni All sons of Late Jamuna Sahni resident of village - Semra, P.S. Madhuban, P.O. Koilhara, Distt. - East Champaran
8. Hiramati Devi Wife of Shri Amir Sahni & Daughter of Late Jamuna Sahni resident of village & P.O. Bhelwa, P.S. Madhuban, Distt.- East Champaran
9. Shobhan Sahni Son of Late Adeya Sahni resident of village - Semra, P.S. Madhuban, P.O. Koilhara, Distt. - East Champaran
10. Gayatri Devi wife of Birendra Sahni & Daughter of Late Adeya Sahni of village - Motipur Bathna, P.S. P.O. Motipur, Distt. - Muzaffarpur
11. Jhanmania Wife of Sheetal Sahni & Daughter of Late Adeya Sahni of village - Bahaura, P.S. P.O. Madhuban Distt. - East Champaran
12. Kishori Sahni Son of Laxmi Sahni resident of village - Semra, P.S. Madhuban, P.O. Koilhara, Distt. - East Champaran
13. Vishwanath Sahni
14. Gajindra Sahni
15. Birendra Sahni All sons of Late Jokhu Sahni and Most Meghiya resident of village - Bishupur, P.S. Patahi, P.O. Bishunpur, Distt. - East Champaran
16. Smt. Balmukhi Devi Wife of Meghu Sahni & Daughter of Late Jokhu Sahni resident of village - Harkhbara, P.O. & P.S. Pakaridayal Distt. - East Champaran
17. Surendra Sahni Son of Late Basdeo Sahni
18. Subodh Sahni Son of Late Basdeo Sahni Both resident of village - Chaki Mutkadwa, P.S. Tetaria, P.O. Salempur, Distt. - East Champaran
19. Sakli Devi Wife of Jitu Sahni & Daughter of Late Basdeo Sahni
20. Shobha Devi Wife of Jitu Sahni & Daughter of Late Basdeo Sahni Both resident of village - Tetaria Kothia, P.S. Madhoban, Distt. - East Champaran
21. Lal Babul Sahni
22. Pramod Sahni
23. Pappu Sahni All sons of Late Rajendra Sahni All resident of village -

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- Semra, P.S. Madhuban, P.O. Koilhara, Distt. - East Champaran
24. Birekha Devi Wife of Yogendra Sahni & Daughter of Late Rajendra Sahni Both resident of village - Tetaria Kothia, P.O. Tetaria, P.S. Madhuban, Distt. - East Champaran
25. Manju Devi Wife of Shri Harendra Sahni & Daughter of Late Rajendra Sahni resident of village - Jhakia, P.S. & P.O. Turkaulia, Distt. - East Champaran
26. Sunaina Devi Wife of Ramesh Sahni Daughter of Late Ram Dayal Sahni resident of village - Kaithvalia Sugauli, P.O. P.S. Sugauli, Distt. - East Champaran
27. Chhatia Devi Wife of Rajmangal Sahni & Daughter of Late Ram Dayal Sahni resident of village - Kaitharia, P.S. Madhuban, Distt. - East Champaran
28. Marlahi Devi Wife of Motilal Bhagat & daughter of Late Bijali Bhagat resident of village - Semra, P.O. Koilhara, P.S. Maduban Distt. - East Champaran
29. Raj Kumari Devi Wife of Prabhu Bhagat & Daughter of Late Bijali Bhagat resident of village - Semra, P.O. Koilhara, P.S. Maduban Distt. - East Champaran
30. Brahmdeo Bhagat
31. Gagandeo Bhagat Both sons of Late TunaBhagat resident of village - Semra, P.O. Koilhara, P.O. P.S. Maduban Distt. - East Champaran
32. Manudin Miyan Son of Late Isu Miyan
33. Hazari Miyan Son of Late Makdum Miyan
34. Mobarak Miyan Son of Late Makudum Miyan All resident of village - Semra, P.O. Koilhara, P.S. Madhuban, Distt. - East Champaran
35. Lakhindra Sahni
36. Rajesh Sahni
37. Harendra Sahni All sons of Late Lakhan Sahni All resident of village - Semra, P.S. Madhuban, P.O. Koilhara, Distt. - East Champaran
38. Shioratia Wife of Bhola Sahni & Daughter of Late Vishwanath Sahni resident of village - Malahi, P.S. Kesaria, Distt. - East Champaran
39. Dhuran Kumari Minor daughter of Most. Kismatia Kuwar & Daughter of Late Vishwanath Sahni
40. Kismatia Wife of Late Vishwanath Sahni All resident of village - Semra, P.O. Koilhara, P.S. Madhuban, Distt. - East Champaran
41. Ram Ekbal Bhagat
42. Jugeshwar Bhagat Both sons of Late Jugeshar Bhagat
43. Ganesh Bhagat Son of Late Raghuni Bhagat
44. Rajendra Sahni
45. Sheo Sahni
46. Laxman Sahni
47. Mosafir Sahni All sons of Late Sakhichand Sahni resident of village - Semra, P.O. Koilhara, P.S. Maduban Distt. - East Champaran
48. Harishchandra Sahni Son of Late Satyanarain Sahni
49. Madhav Sahni Son of Late Mahabir Sahni
50. Tuntun Sahni Son of Late Janak Sahni
51. Ram Ayodhya Sahni Son of Late Janak Sahni All resident of village - Semra, P.O. Madhuban Tola Semra, P.O. Madhuban, Distt. - East Champaran
52. Lalbabu Bhagat Son of Late Styanarain Bhagat
53. Dinesh Bhagat Son of Late Styanarain Bhagat null

54. Sarjug Bhagat Son of Late Mahabir Bhagat
55. Laxman Bhagat Son of Late Mahabir Bhagat
56. Ramchandra Bhagat Son of Late Mahabir Bhagat
57. Dahaur Sahni Son of Late Suba Sahni
58. Bachchu Sahni Son of Late Suba Sahni
59. Ganesh Sahni Son of Late Batahu Sahni All resident of village - Lohar Gawan, P.S. P.O. Madhuban, Distt. - East Champaran
60. Upendre Singh Son of Late Khushnandan Singh
61. Lalu Singh son of Late Khushnandan Singh
62. Uma Singh
63. Sheoshankar Singh
64. Tuntun Singh All three sons of Late Jainarain Singh
65. Hari Sahni Son of Late Kishun Sahni All resident of village - Khodapur, P.S. Madhuban, Distt. - East Champaran
66. Anbar Miyan Son of Roja Miyan
67. Bhardul Bhagat
68. Mukhlal Bhagat Both sons of Late Gonaaur Bhagat
69. Muna Bhagat Son of Late Dukha Bhagat All resident of village - Koilhara, P.S. & P.O. Madhuban, Distt. - East Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vivekanand Vivek

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

2 11-04-2016 Head Mr.Vivekanand Vivek, learned counsel for the petitioners.

By the order dated 2.03.2015, the learned Sub Judge- IV, Motihari, in Final Decree No. 44 of 1978 has allowed the substitution application. From perusal of the impugned order passed by the court below, which is under challenge, it appears that the court below has considered the case of both the parties i.e. substitution application and the objection thereto and then passed the order by which only substitution has been allowed in Final

Decree proceeding and the legal representatives of the deceased person have been added in the final decree proceeding.

Since the court below has exercised discretionary jurisdiction for adding legal representatives in the Final Decree proceeding, neither it has caused prejudice nor it occasioned failure of justice.

Therefore, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction.

Thus, the writ application is dismissed.

(Mungeshwar Sahoo, J)

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