

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.7088 of 2015**

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Mahendra Lal Alias Mahendra Sao

.... .... Petitioner/s

Versus

Yogendra Kumar Singh & Ors

.... .... Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Minakshi Kumari

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR**  
**SAHOO**  
**ORAL ORDER**

3 14-07-2016

Heard learned counsel, Miss. Minakshi Kumari,  
appearing on behalf of the petitioner and learned counsel, Mr.  
Shailendra Kr. Sinha, appearing for respondent Nos. 1 and 2.

2. Earlier notices were issued to the respondents in  
admission matter. The respondents have already appeared.

3. It appears that on the death of Rajpati Devi, who was  
defendant in the court below, substitution application was filed.  
The court below has rejected the said substitution application by  
the impugned order dated 16.03.2015 passed by the A.D.J.-III,  
Patna.

4. It is admitted fact that said Rajpati Devi has already  
been examined as P.W.-6 in the court below and she has admitted  
to have executed the sale deed in favour of the plaintiffs and the  
plaintiffs are claiming partition of the property sold by her. The  
said Rajpati Devi never contested the suit. In this writ application,

Rajpati Devi has been made party as respondent No.3 and thereafter substitution application has been filed. Her legal representative have already appeared through their learned counsel, Mr. Mayank Kumar. He submitted that since the property has already been transferred by Rajpati Devi in favour of the plaintiffs, they have got no interest in the property.

5. In such view of the matter, when the plaintiffs have acquired title on the basis of the sale deed according to the judgment of the trial court and when Rajpati Devi had not contested the suit, there is no question of substitution of her legal heirs arises. I, therefore, find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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