

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3045 of 2015

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1. Ravi Bhushan Tiwari Son of Late Raj Kishore Tiwari resident of village
- Srikalpur, P.O. Srikalpur, Police Station - Guthani, District - Siwan

.... Petitioner/s

Versus

1. Shyam Kishore Tiwari Son of Pandit Mangala Prasad Tiwari resident of
village - Srikalpur, P.O. Srikalpur, Police Station - Guthani, District - Siwan
2. Lilawati Devi daughter of Ram Sawari Devi
3. Baby daughter of Ram Sawari Devi
4. Chanda Devi daughter of Ram Sawari Devi 2 to 4 are residents of village
- Srikalpur, P.O. Srikalpur, Police Station - Guthani, District - Siwan
5. Most. Sona Devi wife of Late Kameshwar Tiwari
6. Rajhansh Prasad Tiwari son of Late Kameshwar Tiwari
7. Vijay Prasad Tiwari son of Late Kameshwar Tiwari
8. Mannu Kumari daughter of Late Kameshwar Tiwari 5 to 8 are present
residents of New Subhash Colony, Sanjay Path, P.O. & Police Station -
Mango, District - Singhbhum (Jharkhand)
9. Shashi Bhushan Tiwari son of Raj Kishore Tiwari
10. Jagat Pandey son of Late Nand Kishore Pandey
11. Shashi Bala Wife of Nand Kishore Pandey, daughter of Smt. Madan
Devi
12. Saroj Tiwari wife of Subhash Tiwari, son of Nand Kishore Pandey,
daughter of Smt. Madan Devi
13. Subhash Chandra Tiwari C/o Radhika Tiwari
14. Akhileshwar Tiwari C/o Radhika Tiwari
15. Diwakar Tiwari C/o Radhika Tiwari 9 to 15 are residents of village -
Srikalpur, P.O. Srikalpur, Police Station - Guthani, District - Siwan
16. Saroj Devi Wife of Subhash Tiwari, daughter of Nand Kishore Tiwari
resident of village - Barahima, P.O. Barhima, Police Station - Barauli,
District - Gopalganj
17. Avinash Tiwari son of Late Navnath Tiwari resident of village -
Bettiah, Rajkot Compound, P.O. Bettiah, District - West Champaran (Bihar
)
18. Nirmala Devi Tiwari daughter of late Navnath Tiwari
19. Kanak Tiwari daughter of late Navnath Tiwari
20. Kannu Tiwari daughter of late Navnath Tiwari
21. Baby Devi daughter of Mridula Tiwari In house of late Navnath Prasad
Tiwari, Mohalla Kitawala Nazirat Compound, P.O. Bettiah, District - West
Champaran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bashishtha Narayan Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 10-03-2016 Heard Mr. Bashishtha Narayan Mishra, learned
counsel or the petitioner.

The court below allowed the application filed by the plaintiff- respondent herein for exempting him from substituting legal representatives of the deceased respondent nos. 2 and 23 in Title Appeal No. 22 of 2013 on the ground that they were defendants in the court below but they had not contested the suit and as such they were not necessary party.

In view of factual position that the deceased-respondents have not contested the suit, the court below has rightly allowed the application filed under Order 22, Rule 4, sub-rule 4 of the Code of Civil Procedure. Thus, the writ application is dismissed.

(Mungeshwar Sahoo, J)

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