

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.207 of 2016**

=====

Hulas Rai & Anr

.... Appellant/s

Versus

Sri Thakur Madan Mohan Lal Ji Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Manoj Kumar

For the Respondent/s : Mr.

=====

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

ORAL ORDER

2 10-08-2016

Heard learned counsel, Mr. J.S. Arora, appearing for
the petitioners.

2. Perused the order dated 16.02.2016 passed by the
Sub- Judge-III, Patna City in T.S. No. 99 of 2004.

3. It appears that the deity plaintiff-respondent No.1 was
represented earlier through Sibayat, Sri Moti Lal Joshi. Moti Lal
Joshi had died and, therefore, his two sons have filed application
for substitution in place of their father claiming themselves to be
Sibayat of the deity family. The petitioners are the purchaser from
defendant No.4. The court below, by the impugned order, has
allowed the application and added/substituted two sons of Moti
Lal Joshi.

4. So far abatement of the suit for above substitution of
the defendant No.4 is concerned, it may be mentioned here that the
petitioners are the purchaser from defendant No. 4.

5. In view of the above fact, when the court below has only allowed the substitution application filed by the two sons, no rights have been decided, as such, it calls no interference in exercise of supervisory jurisdiction. Thus, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

brajesh/-

U			
---	--	--	--