

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.728 of 2016

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Ramji Gahlot & Ors

.... Appellant/s

Versus

Amod Kumar Paswan & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Awadhesh Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 12-08-2016

Heard the learned counsel, Mr. Awadhesh Kumar Singh, for the petitioner.

Perused the impugned order dated 24.06.2016 passed by Addl. District Judge-VI, Aurangabad in Title Appeal No.23 of 2016 whereby the learned Court below rejected the substitution application on the ground that the defendant No.2-respondent No.2, Indredeo Dushadh did not appear in the trial Court.

In view of the above finding of the learned lower appellate Court that the defendant No.2-respondent No.2 neither appeared nor contested the suit and the suit has been decided ex.-parte against him, the appellate Court has got the jurisdiction to pass the order under Order 22 Rule 4 Sub Rule 4 CPC. Therefore, the learned Court below has rightly rejected the application for substitution application. The petitioners are exempted from substituting the legal representatives.

Accordingly, this Civil Misc. application is dismissed.

Sanjeev/-

(Mungeshwar Sahoo, J)

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