

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12176 of 2008

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Suresh Chandra Agrawal, son of Late Sheo Govind Prasad Agrwal, resident of Village-Khiri, Anchal-Bhagwanpur, P.S- Bhagwanpur, District –Kaimur at present R/o Bhabhua, Ward No. 6, P.S.-Bhabhua, District-Kaimur
..... Petitioner.

Versus

1.The State of Bihar,
2. Director Consolidation, Bihar, Patna,
3. Surendra Nath Agrwal, son of Late Jaggannath Prasad Agrwal,
4. Bina Agrwal, wife of Surendra Nath Agrwal,
5.Ravindra Nath Agrwal, son of Late Jaggannath Prasad Agrwal,
6.Rajni Devi, wife of Ravindra Nath Agrwal,
All are the resident of Bhabhua Town, Ward No.5, Post Bhaabhua, P.S Bhabhua, District Kaimur
..... Respondents.

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Appearance :

For the Petitioner :
For the Respondent Nos. 1 & 2: Mr. Satyeshwar Prasad, AC to G.P.-9
For the Respondent No.4 : Mr. Achhaibar Singh, Advocate.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

6 13-01-2016

Perused the office note dated 11.01.2016.

By order dated 24.04.2014 the learned counsel appearing on behalf of the petitioner was granted four weeks' time for filing substitution petition vice deceased respondent no. 3. Despite, the aforesaid indulgence, substitution petition was not filed on behalf of the petitioner.

When the matter was listed once again on 22.05.2015, the learned counsel appearing on behalf of the petitioner submitted that not only the respondent no. 3 has passed away, but the sole petitioner has also died during the pendency of the writ petition. Learned counsel appearing on behalf of the petitioner was granted time till 2nd week of July, 2015 for filing substitution petition vice deceased respondent no. 3 as also on behalf of the heirs and legal representatives of the sole petitioner.

Despite indulgence granted for the second time, substitution petition has not been filed till date, which has been pointed out by the office note date 11.01.2016.

It is well settled law that no lis can proceed either on behalf of or against a dead person. Admittedly, the sole petitioner has passed away during the pendency of the writ petition, but his heirs and legal representatives have not come forward seeking their substitution in place of the sole deceased petitioner and seek permission of this Court to prosecute this writ petition.

In above view of the matter, writ petition stood abated and is, accordingly, dismissed.

(Birendra Prasad Verma, J)

Tahir/Brajesh-III

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