

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14688 of 2014

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Yogendra Thakur, son of Bishewar Thakur, resident of village Babhangama,
Pergana Malki, P.S. Barauni, District-Begusarai.

.... Petitioner/s

Versus

1. Shachitanand Jha, son of late Laxmi Jha.
2. Pramod Kumar Jha.
3. Vinod Kumar Jha. Both sons of Sachitanand Jha.
4. Bhagirath Jha.
5. Chandra Shekhar Jha, both sons of Deo Narain Jha.
6. Rama Nand Jha, son of Laxmi Jha.
7. Ashok Kumar Jha.
8. Anil Kumar Jha.
9. Manoj Kumar Jha.
10. Navin Kumar Jha, all sons of Rama Nand Jha, all residents of village Babhangama, Pergana Malki, P.S. Barauni District-Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Alok Kumar @ Alok Kr Shahi
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 21-10-2016

Heard learned counsel for the petitioner.

The defendant is the petitioner in this application and is aggrieved by the impugned order by which the learned court below has turned down his prayer for abatement of the suit after the death of one of the plaintiffs in the suit.

During the course of submission as well as from the impugned order, it is evident that two the heirs of the deceased

plaintiff are on record in the suit. In the backdrop of this fact, the learned court has passed the impugned order holding that the suit will not abate simply for the reason that the other heirs have not been brought on record. The principle of law in this regard is well settled that if one or more heirs of the deceased party in the suit are already on record there cannot be any abatement. This Court, therefore, is not inclined to invoke the jurisdiction for interdicting the impugned order.

The present application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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