

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15819 of 2015

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Parshuram Chaudhary

.... Petitioner/s

Versus

Shrimati Gyanti Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madhukar Pandey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 28-06-2016

Heard the learned counsel for the petitioner.

It appears that the suit was filed by the plaintiff respondent for declaration of title. The defendant No.1 died leaving behind her son who is defendant No.2. The plaintiff filed application for deleting the name of defendant No.1 on the ground that son is already on record. The name was expunged and thereafter, this defendant No.3 has filed an application for dismissal of suit on the ground that it has abated as other sons and daughters of defendant No.1 have not been added as defendant. It is admitted fact that the plaintiff has not claimed any relief against the defendant No.3. It is admitted fact that the plaintiff has not claimed any relief against the defendant No.3. It is also admitted fact that defendant No.1 died leaving behind the defendant No.2 as son. Therefore, even if there are other sons and daughters then also estate of the defendant No.1 is sufficiently represented by his son who is already on

record. So, the suit will not abate as a whole. Therefore, I find no reason to interfere with the impugned order.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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