

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11094 of 2013

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1. Md. Murshid Alam Son Of Late Gulam Rasool Resident Of Gangal Dayae Kothi, P.O. And P.S. Kahalgoann, Presently Residing At Mohalla Paithanpura, P.O. And P.S. Kahalgoan District Bhagalpur.

.... Petitioner/s

Versus

1. Md. Rayazuddin Son Of Md. Tahir Hussain Resident Of Mohalla Paithanpura , P.O. And P.S. Kahalgoan District Bhagalpur.
2. Md. Ilyas Son Of Deceased Gulam Rasool Resident Of Village Gangal Dayae, P.O. And P.S. Kahalgoan.
3. Md. Khurshid Son Of Deceased Gulam Rasool Resident Of Village Gangal Dayae, P.O. And P.S. Kahalgoan.
4. Md. Noor Alam Son Of Deceased Gulam Rasool Resident Of Mohalla Paithanpura, P.O. And P.S. Kahalgoan District Bhagalpur.
5. Md. Ghayas Son Of Deceased Gulam Rasool Resident Of Mohalla Paithanpura , P.O. And P.S. Kahalgoan District Bhagalpur.
6. Bibi Zaibun Alias Zaiguu Wife Of Late Md. Mukhtar, Daughter Of Deceased Gulam Rasool Resident Of Village Gangal Dayae, P.O. And P.S. Kahalgoan.
7. Bibi Gaisu Wife Of Md. Mahtab, Daughter Of Deceased Gulam Rasool Resident Of Mohalla Bhikhanpur, Pani Tanki, P.S. Kotwali (Ishaquechak), Bhagalpur.
8. Md. Noor Hassan Son Of Late Qudrat Mian Resident Of Mohalla Paithanpura, P.O. And P.S. Kahalgoan District Bhagalpur Presently Residing At Pampar Bhikari, Neelam Cinema Near Pani Tanki, P.O., P.S. And District Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bimlendu Mishra, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 23-09-2016

Heard learned counsel for the petitioner.

Gone through the order impugned wherefrom it is evident that the defendant no.6 though appeared on 05.01.2010 was not at all informed to the Court by her pleader/advocate holding power in terms of Order XXII Rule 10A of the CPC, regarding her death however, being brought up on record by the

other defendants vide petition dated 14.10.2011.

Moreover, from the order impugned, it is also apparent that no WS was filed at her end and on account thereof, in terms of Order XXII Rule 4 of the CPC, the plaintiff has got some sort of privilege on that very score whereupon he cannot be persuaded to make substitution.

That being so, the order impugned needs no interference. Petition is rejected.

(Aditya Kumar Trivedi, J)

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