

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (Art. 227) No.556 of 2016

Murari Lal Sahu, S/o Jagdish Prasad Sahu, aged about 45 years,
Caste Teli, Occupation Service and Agriculture, R/o Village
Dabripara, P.S. Patna, Tahsil Baikunthpur, District Korla (C.G.)

(Defendant No.1)

---- Petitioner

Versus

1. Smt. Sushila Sahu, Wd/o late Radheshayam Sahu, aged about 35 years, Caste Teli, Occupation House wife and Agriculture, R/o Village Dabripara, P.S. Patna, Tahsil Baikunthpur, District Korla (C.G.)

(Plaintiff)

2. The State of Chhattisgarh, through Collector, Office Chinddandh, Baikunthpur, District Korla (C.G.)

(Defendant No.2)

---- Respondents

For Petitioner:	Mr. A.K. Prasad and Mr. Rishikant Mahobia, Advocates.
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For State/Respondent No.2:	Mr. Aditya Sharma, Panel Lawyer.
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Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/10/2016

1. Heard on admission.
2. The trial Court has directed, on the application of the plaintiff / respondent No.1 herein, that the name of Smt. Kaushilya Devi, defendant No.3, be deleted from the plaint as she had already died which defendant No.1 / petitioner herein objected that she died leaving her legal representative and they may be brought on record. But the trial Court at the instance of the plaintiff, simply allowed the application as prayed by the plaintiff to delete the name

of Smt. Kaushilya Devi against which this writ petition has been filed.

3. The plaintiff / respondent No.1 herein has simply prayed that the name of defendant No.3 / respondent No.3 herein namely Smt. Kaushilya Devi be deleted which the trial Court has allowed. If the plaintiff is not ready and willing to bring the legal representatives of Smt. Kaushilya Devi on record, the defendant cannot insist him to bring the LRs on record, as the plaintiff is at risk if the legal representatives of defendant No.3 are not substituted. The trial Court has also recorded a finding that the legal representatives of Smt. Kaushilya Devi need not be brought on record. In view of that, I do not find any jurisdictional error in the impugned order. The writ petition is, therefore, dismissed *in limine*. However, the petitioner herein / defendant No.1 is at liberty to proceed in accordance with law. No order as to costs.

Sd/-
(Sanjay K. Agrawal)
Judge