

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17367 of 2013

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Ram Sanahi Das Chela

.... Petitioner/s

Versus

Ram Pukar Yadav & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Raghav Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 23-05-2017 Heard the learned counsel, Mr. Raghav Prasad for the
petitioner.

Perused the impugned order dated 20.04.2013 passed
by the learned Sub Judge V, Siwan in Title Suit No.293 of 2001
whereby the learned court below has only allowed the substitution
application filed by the legal representatives of the deceased sole
plaintiff.

The learned counsel for the petitioner submitted that
the plaintiff who has substituted is not the *Mahanth* appointed nor
he has got any concern with the property of the “*Math*” but
without considering this aspect of the matter, the court below has
allowed the substitution application.

So far substitution is concerned, a legal representative
is substituted and according to the definition of the word “legal
representative” which has defined under Section 2(11) C.P.C, any



person who is time being intermingling with the property is also a legal representative. In other words, all the heirs are legal representatives but all the legal representatives are not the heirs.

Thus, when the court below has only substituted the legal representatives, no prejudice is caused to the defendant-petitioner nor it can be said that the order passed by the court below is in the manner not permitted by law.

Therefore, I find no jurisdictional error in the impugned order and thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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