

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15243 of 2013

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Shankar Singh Son Of Late Kuldeep Singh Resident Of Mohalla- Bam Taj Khan @
Pokhara (Marai), P.O. & P.S. Hajipur, District- Vaishali

.... Petitioner/s

Versus

1. Vaishali Cold Storage And Industries Pvt. Ltd. Through Director Of Mohalla-
Sohdih, P.O.- Sohsarai, P.S.- Bihar, District- Nalanda
2. Vijay Kumar Son Of Late Wajir Prasad Resident Of Mohalla- Bhaissasur, P.S.-
Laheri, District- Nalanda
3. Chulhai Singh
4. Dinesh Singh both Son Of Late Kuldeep Singh
5. Krishna Singh
6. Trishna Singh
7. Brishna Singh
8. Rakesh Singh respondent nos. 5 to 8 Son Of Late Brij Bihari Rana Pratap Singh
9. Raj Kumar Singh
10. Dharambeer Kumar Singh both Son Of Late Rajendra Singh
11. Raj Narain Singh
12. Lakshami Singh both Son Of Late Ganga Singh
13. Ram Prasad Singh Son Of Late Khirodar Singh
14. Chandeshwar Singh
15. Munna Singh
16. Baleshwar Singh respondent nos. 14 to 16 Son Of Late Jamuna Singh
17. Ram Babu Singh Son Of Late Ram Sewak Singh
18. Devendra Singh
19. Upendra Singh both Son Of Late Jagdish Singh
20. Ram Dayal Singh
21. Surendra Singh both Son Of Late Drishpal Singh all are Resident Of Mohalla-
Bam Taj Khan @ Pokhara (Marai), P.O. & P.S. Hajipur, District- Vaishali

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH



ORAL JUDGMENT

Date: 12-01-2017

Heard learned counsel for the petitioner.

By the impugned order, the learned court below has allowed the prayer of the respondent no. 2 to be substituted in place of the deceased person through whom the suit was filed by the respondent no. 1.

Learned counsel for the petitioner has submitted that though the learned court below has relied upon a list of directors produced on behalf of the respondent no. 2 but the said list was never served upon the petitioner who was defendant in the suit and he remained ignorant about the same. Learned counsel, however, accepted that no petition in this regard was filed by the petitioner in the learned court below for recall of the order on the said ground. Learned counsel for the petitioner has also submitted that the objection raised by him in his petition has not been considered by the learned court below which objection clearly shows that respondent no. 2 is totally stranger to the respondent no. 1 and not one of the directors of the respondent no. 1, as claimed.

After considering the submissions and the perusal of the impugned order, this Court does not find it a fit case in which the jurisdiction under Article 227 of the Constitution of India can be invoked for interdicting the impugned order as the petitioner has the



right to raise his objections during the course of hearing of the suit. If according to the petitioner, the order has been passed on the basis of some document the copy of which was not supplied to the petitioner or that document was not brought on record in accordance with law, the petitioner’s right to raise objection in that regard in accordance with law is also not eclipsed.

This Court, therefore, does not find any merit in this application which is, accordingly, dismissed.

However the petitioner shall be at liberty to take appropriate objections in the suit in accordance with law.

(V. Nath, J)

Devendra/-

AFR/NAFR	
CAV DATE	
Uploading Date	20.01.2017
Transmission Date	

