

IN THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.1446 of 2015
IN
Civil Writ Jurisdiction Case No. 4797 of 1995**

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1. Abinash Kumar Singh
2. Rajan Kumar Singh
3. Ashok Kumar Singh All sons of Late Jay Shankar Singh resident of village - Mijhan, Police Station - Jagdishpur, District - Bhojpur. At present residing at village - Barnaon, Police Station - Ayar (Jagdishpur), District - Bhojpur.

.... Appellants

Versus

1. The State of Bihar.
2. The Principal, Consolidation Training Institute, Patna
3. The Director, Consolidation, Bhojpur at Ara.
4. The Consolidation Officer, Jagdishpur, District - Bhojpur.
5. Jawahar Singh
6. Heera Lal Singh Both sons of Late Ganga Dayal Singh
7. Subhash Chandra Singh
8. Man Singh both sons of Jawahar Singh All respondent nos. 5 to 8 residing at village - Mithala, Police Station - Jagdishpur, District - Bhojpur.
9. Anil Kumar Singh
10. Pramod Kumar Singh Both son of Late Jay Shankar Singh
11. Baby daughter of Late Jay Shankar Singh All respondent nos. 9 to 12 resident of village - Mijhan, Police Station - Jagdishpur, District - Bhojpur. At present residing at village - Barnaon, Police Station - Ayar (Jagdishpur), District - Bhojpur.
12. Mostt. Madhuri Devi wife of Late Hari Shankar Singh
13. Kanchan Kumari daughter of Late Hari Shankar Both residents of Barnaun, Police Station - Jagdishpur, District - Bhojpur.

.... Respondents

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Appearance :

For the Appellants : Mr. Bakshi S.R.P. Sinha, Senior Advocate
For the Respondents : Mr. Ashok Kumar Gupta, ACT to G.P.-10

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

and

HONOURABLE JUSTICE SMT. NILU AGRAWAL

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date: 12-01-2017

Heard learned Senior Counsel for the appellants. Delay
of 15 days in filing the appeal is condoned. I.A. No. 6370 of 2015 is
allowed.



The order of the learned single Judge dated 14.05.2015 passed in C.W.J.C. No. 4797 of 1995 is being assailed in the present appeal. Submission of learned Senior Counsel for the appellants is that the appellants were not made a party. The order has been passed against a dead person. A substitution petition was already filed, but no order was passed on the substitution petition and the order has come to be passed.

If what has been submitted by the learned senior counsel for the appellants with regard to the above facts are correct then it is a fit case for review rather than filing of appeal for impleadment and for allowing them to pursue the appeal.

The appeal is disposed of with liberty to the appellants to move the learned single Judge by filing a review petition.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N/A
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