

THE HIGH COURT OF JUDICATURE AT PATNA

**Letters Patent Appeal No.2047 of 2015
IN
Civil Writ Jurisdiction Case No. 1454 of 1996**

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1. Awadhesh Kumar Singh Son of Late Dinanath Singh
2. Ramesh Prasad Singh Son of Late Dinanath Singh
3. Akhileshwar Singh Son of Late Dinanath Singh
4. Bhupendra Prasad Singh Son of Late Dinanath Singh
5. Most Raj Kumari Kuer Wife of Late Surendra Prasad Singh (Daughter in law)
All Resident of Village - Hamarhara, P.O.- Mahnar road, P.S.- Mahnar, District -
Muzaffarpur

.... Appellant/s

Versus

1. The State of Bihar
2. The Director of Consolidation, Bihar, Patna
3. Joint Director of Consolidation, Muzaffarpur at Maripur, District - Muzaffarpur
4. Sita Ram Singh Son of Bhag Narain Singh
5. Prabhansh Narain Singh Son of Bhag Narain Singh
6. Most. Jago Kuar
7. Shashi Singh
8. Mosmat Banarsi Kuar Wife of Late Ram Vivek Singh Resident of Village -
Chamarhara, P.O.- Mahnar Road, P.S.- Mahnar, District - Muzaffarpur

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nikhil Kumar Agrawal, Advocate
For the Respondent/s : Mr. GP2- R.K. Singh

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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: 30-01-2017

Delay of 9 days in filing the appeal is condoned.

I. A. No. 9074 of 2015 is allowed.

Appeal is dismissed, as the Learned Single Judge has committed no wrong in law by refusing to allow substitution after five long years on a frivolous ground that they were ignorant of law and, therefore, the substitution petition could not be filed. The Learned



Single Judge has taken note of the various judicial pronouncements with regard to the right of such substitution after such delay and has rightly come to a conclusion that the writ application cannot proceed any further after death of the sole petitioner after more than five years of his death.

No interference is warranted with the impugned order.

Appeal is dismissed.

(Ajay Kumar Tripathi, J)

(Nilu Agrawal, J)

SKM/-

AFR/NAFR	N.A.F.R.
CAV DATE	
Uploading Date	31.01.2017
Transmission Date	

