

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.890 of 2017

- =====
1. Md. Manzoor Alam @ Md. Manzoor
 2. Md. Mansoor Alam @ Mansoor
 3. Md. Maqsood @ Md. Masood Alam
 4. Md. Masroor Alam @ Md. Masroor All Sons of late Md. Kalim
 5. Md. Taiyab
 6. Md. Rafique @ Md. Faffique Both Sons of Late Abdul Hakim
 7. Bibi Afroza @ Afroza Khatoon Wife of Md. Abul All Resident of Village-Daripur, Police Station-Amour, District-Purnia.

.... Petitioner/s

Versus

1. Abdul Razzaque Son of Late Sk. Taslim Resident of Village-Daripur, Police Station-Amour, District-Purnia.
2. Sk. Salim Son of Late Gudar Ali
3. Md. Mukhtar Son of Salim Both Resident of Village-Bangra, Police Station-Amour, District-Purnia.
4. Bibi Husna Khatoon Wife of Md. Jahir Resident of Village-Mohammadpur, Police Station-Amour, District-Purnia,
5. Bibi Roshni Wife of Late Mohsin Resident of Village-Bara Idgah, Police Station-Amour, District-Purnia.
6. Mostt. Soghra Wife of Late Tajmul @ Rafique Resident of Village-Daripur, Police Station-Amour, District-Purnia.
7. Mostt. Ashmina Daughter of Late Tajmul @ Rafique Resident of Village-Kakarwa, Police Station-Baisi, District-Purnia.
8. Md. Sayeed Son of Late Jainuddin
9. Sayeeda Khatoon Wife of Md. Moinuddin Both Resident of Village-Bhokhari, Police Station-Amour, District-Purnia.
10. Mostt. Jubeda Wife of Late Ahmad Hussain Resident of Village-Kamalpur, Police Station-Amour, District-Purnia.
11. Md. Mohib Son of Late Jainuddin Resident of Village-Bhokhari, Police Station-Amour, District-Purnia.
12. Sk. Tahir Son of Late Sk. Jalil, Resident of Village-Mohammadpur, Police Station-Amour, District-Purnia,
13. Bibi Rakima Daughter of Sk. Jalil
14. Bibi Hasina Khatoon Daughter of Sk. Jalil Both Resident of Village-Bahura, Police Station-Amour, District-Purnia.
15. Hasina Khatoon daughter of Late Sk. Jalil Resident of Village-Belgachhi, Police Station-District-Purnia.
16. Md. Ayash Son of Late Ashique Nabi
17. Mostt. Bagho Wife of Late Ashique Nabi
18. Mostt. Shabnam Wife of Late Ashique Nabi All Resident of Village-Daripur, Police Station-Amour, District-Purnia.
19. Noor Sada
20. Bibi Jahidan Both daughter of Late Majlum @ Mojib Resident of Village-Bangra, Police Station-Amour, District-Purnia.
21. Moish Son of Late Majlum @ Mojib Resident of Village-Daripur, Police Station-Amour, District-Purnia.
22. Bibi Shaimun Wife of Saiyad
23. Md. Touhid Son of Late Imanuddin Both Resident of Village- Daripur,



Police Station-Amour, District-Purnia.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Najeeb Ahmad
Mr. Thakur Brajesh Singh
For the Respondent/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 30-04-2018 The petitioners have filed this civil miscellaneous petition against the order dated 21.03.2017 passed in Title Suit No.144 of 2014 by which the petition of the plaintiff to substitute the legal heirs of plaintiff No.2, who died on 28.02.2016, has been allowed.

The petitioners are the defendants in the suit.

The learned counsel for the petitioners submits that the plaintiff No.2 died on 28.02.2016 but the petition for substitution of the legal heirs of plaintiff No.2 was filed on 20.01.2017. The period of filing the substitution petition is only 90 days but the learned court below without taking into consideration that the plaintiff failed to explain the inordinate delay in filing the substitution petition allowed the substitution petition on cost and did not pass any order on the petition of the defendant for abatement of the suit on the ground of non-substitution of legal heirs of plaintiff No.2.



I find no reason to interfere in the order impugned. By the impugned order, the learned court below has allowed the substitution petition with cost of Rs.500. Of course, the substitution petition was filed after period of limitation but the plaintiff filed the substitution petition with condonation of delay and the reasons for delay have been explained. The court accepted the reasons and allowed the substitution petition.

Thus, I find that this civil miscellaneous petition is devoid of any merit and accordingly, the same is dismissed.

(Prabhat Kumar Jha, J)

Saurabh/-

U			
---	--	--	--

