

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1342 of 2016

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1. Shyam Sundar Bharti, son of Late Ramayan Malakar,
2. Renu Devi, wife of Late Ramayan Malakar.
3. Mangal Bharti @ Ajay Kumar, son of Late Ramayan Malakar. All R/o
Village Sonekukra, P.O. & P.S. Masaurhi, District- Patna.

.... Appellant/s

Versus

1. Most. Radhika Devi wife of Late Raj Bahadur Mali
2. Sheo Kumar Malakar
3. Rajesh Kumar Malakar
4. Subhash Kumar Malakar Sr. No. 2 to 4 Son of Late Raj Bahadur Mali All
R/o Village Sonekukra, P.O. & P.S. Masaurhi, District- Patna.
5. Kusum Devi, Daughter of Late Raj Bahadur Mali wife of Sunil Bhagat,
R/o Mohalla Murachak, Rajendra Nagar, Patna.
6. Rani Devi Daughter of Late Raj Bahadur Mali Wife of Susil Kumar
Malakar, Resident of Village Shanra, P.S. Dhanarua, District Patna.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pramod Kumar Bhartiya

For the Respondent/s : Mr. Manoj Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 17-09-2018

Heard both sides.

The petitioners have filed this Civil Misc. petition against the order dated 20.07.2016 passed in Title Appeal No. 44 of 1995 by which the learned Additional District Judge-VIII, Patna imposed cost of Rs. 15,000/- while allowing the petition of substitution of legal heirs of the appellant.

It appears that the suit was valued at Rs. 10,000/-. The application for substitution was allowed but due to mistake the amendment could not be inserted within the prescribed period



under Order VI Rule 18 of the Code of Civil Procedure. Therefore, I find that the cost of Rs. 15,000/- is arbitrary.

Taking into consideration the facts aforesaid, I find that the impugned order is not sustainable. Accordingly, the order dated 20.07.2016 passed in Title Appeal No. 44 of 1995 is set aside to the extent of imposing cost and the imposition of cost is modified and reduced to Rs. 500/-.

(Prabhat Kumar Jha, J)

BKS/-

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