

HIGH COURT OF CHHATTISGARH, BILASPUR
WP227. No. 66 of 2019

Smt. Sadbhawan Bai W/o Kuwar Singh Aged About 45 Years D/o Ganesh Prasad @ Ganesh Ram, R/o Village Girdhauna, Tahsil Takhatpur, District Bilaspur Chhattisgarh.

---- Petitioner

Versus

1. Ganesh Prasad (Died) Through LR's Jethiya Bai, W/o Ganesh Prasad @ Ganesh Ram, Aged About 65 Years.
2. Santosh S/o Chaitram Gond.
3. Kusum Bai D/o Ram Prasad Gond.
All R/o Village Sarseni, Tahsil Takhatpur District Bilaspur Chhattisgarh.
4. Ganesiya Bai D/o Ghuruwa Gond R/o Village Girdhauna, Tahsil Takhatpur, District Bilaspur Chhattisgarh.
5. State Of Chhattisgarh Through Collector, Bilaspur, District Bilaspur Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Ravindra Sharma, Advocate.
For State	:	Ms. K. Tripti Rao, PL.

Hon'ble Shri Justice Sanjay K. Agrawal
Order On Board

06/02/2019

1. By the impugned order the plaintiff's application for substitution of LR's of deceased defendant No.1 has partly been allowed by the trial Court and in place of defendant No.1 Ganesh Prasad @ Ganesh Ram his widow Jethiya Bai has been impleaded as party defendant, against which this writ petition has been preferred.
2. Learned counsel for the petitioner/plaintiff would submit that Kamla Bai is the second wife of Ganesh Prasad @ Ganesh Ram and she should also have been substituted as legal representative of defendant No.1, which the trial Court has rejected.
3. I have heard learned counsel for the petitioner and perused the impugned order.
4. The trial Court while deciding the application has held that second marriage of Ganesh Prasad @ Ganesh Ram with Kamla Bai has not been established and thereby rejected the application, in which I do not find any jurisdictional error warranting interference by this Court.
5. Accordingly, this writ petition is liable to be and is hereby dismissed. However, the petitioner is at liberty to proceed in accordance with law.
6. A copy of this order be sent to the concerned trial Court directly and through E-mail and Fax.

Sd /-

(Sanjay K. Agrawal)
Judge