

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.146 of 2018

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Uday Paswan Son of Ram Khelawan Paswan Resident of Village and P.O.-
Asi, P.S.- Ghanshyampur, District- Darbhanga.

... .. Petitioner/s

Versus

1. Rajiv Lochan Das Son of Late Mushaddi Lal Das, Resident of Village- Asi,
P.S.- Ghanshyampur, District- Darbhanga.
2. Harish Chandra Paswan,
3. Baiju Paswan, All 2 to 5 are sons of Ram Khelawan Paswan, Resident of
Village and P.O.- Asi, P.S.- Ghanshyampur, District- Darbhanga.
4. Shivnandan Paswan,

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kaushalesh Choudhary
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

8 30-11-2022 By the impugned order dated 03.08.2016 passed in

Title Suit No. 25 / 2000 the learned trial court (i.e. Sub Judge
Biraul, Darbhanga), has allowed the substitution petition filed
by the legal heirs of the plaintiff.

Learned counsel for the petitioner submits that the
learned trial court has committed error in not appreciating the
fact that the date of death of the sole plaintiff was not mentioned
in the substitution petition and the legal heirs of the plaintiff
were added as plaintiff by order dated 24.02.2014. However, by
the impugned order on the limitation petition filed by the
proposed heirs on 03.05.2014 a fresh order of substitution has
been passed after condoning delay in filing substitution petition.



I have heard learned counsel for the petitioner. Learned counsel submits that the proposed legal heirs, who have been added as plaintiff are the rightful legal heirs of the sole plaintiff. The contention of the petitioner that firstly substitution was allowed and thereafter delay was condoned by the court below is a ground of technicality, which this Court is not inclined to go into. Accordingly, this application is rejected.

(Anil Kumar Sinha, J)

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