

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.67 of 2022

Paras Nath Yadav Son of Late Swami Nath Yadav Resident of Village-Surkhpura, P.O. Jagdishpur, P.S. Vijaipur, District-Gopalganj.

... .. Petitioner/s

Versus

Smt. Savitri Devi Wife of Rajendra Tiwari Resident of Vilalge Mathia, P.S. Vijaipur, Presently Resident of Vilalge Sabeya, P.S. Vijaipur, District Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.S. Dwivedi. Sr. Adv. Mr.Parth Gaurav
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 23-06-2022 Heard learned Counsel for the petitioner.

The petitioner is aggrieved by the order, dated 02.11.2021, passed, by learned Sub Judge X, Gopalganj, in Title Suit No. 125 of 2011, whereby the plaintiff-respondent has been substituted in place of the original plaintiff, Most. Lilawati Kuer, who died on 19.04.2021.

Learned Counsel for the petitioner submits that the plaintiff-respondent has been substituted as the plaintiff in the suit on the basis of an unprobated will allegedly executed by the original plaintiff on 24.04.2014. He further submits that unless the will is probated, it does not create any right, title and interest in favour of the plaintiff-respondent and as such, the impugned order allowing the plaintiff-respondent to be substituted in place



of the original plaintiff is bad in law.

I have gone through the impugned order and from perusal of the same, it appears that the original plaintiff died issueless and before her death, she had executed a will in favour of the substituted plaintiff-respondent. The learned Court below took into consideration the fact that nobody is there to protect the estate of the deceased and allowed the petition for substitution filed by the plaintiff-respondent in the interest of justice.

Accordingly, I do not find any material irregularity or jurisdictional error in the impugned order.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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