

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14222 of 2014

1. Smt. Nootan Mishra, W/o Dr. Sanjiv Kumar Mishra R/o Village- Gosain Daspur, P.S. Nath Nagar, District- Bhagalpur.
2. Dr. Sanjiv Kumar Mishra S/o Sri Mahendra Narayan Mishra Both R/o Village- Gosain Daspur, P.S. Nath Nagar, District Bhagalpur.

... .. Petitioner/s

Versus

1. Md. Abdul Qyum Khan Son of late Ismail Khan, Resident of Mohalla- Kabirpur, P.O. and P.S. Nathnagar, District- Bhagalpur.
2. Md. Hasnain Khan
3. Md. Mahnun Alam @ Moon All Sons of late Ismail Khan, All Resident of Mohalla- Kabirpur, P.O. and P.S. Nathnagar, Distt. Bhagalpur.
4. Pradip Kumar Shrivastava Son of late Rameshwar Shrivastava
5. Deepak Kumar Shrivastava Son of late Rameshwar Shrivastava
6. Chandra Sekhar Shrivastava Son of late Rameshwar Shrivastava
7. Maltiverma Wife of Nand Kishore Verma
8. Madhuribala Shastri wife of Prem Kumar Shastri
9. Kamani Shrivastava Wife of HaribansBihari Shrivastava All Resident of Mohalla- Puranisarai, P.O. and P.S. Nathnagar, District- Bhagalpur.
10. Babu Prasad Shrivastava Son of late Durga Prasad Shrivastava
11. Nibha Shrivastava Daughter of Bhagwan Prasad Shrivastava Both Resident of Mohalla- Puranisarai, P.O. and P.S. Nathnagar, District- Bhagalpur.
12. Md. Iqubal Aazam Son of late Idrish
13. Md. Irshad Alam Son of late Haji Abdus Salam
14. Md. Aurangjeb@ Md. Auranjeb Ansari Son of late Md. Bilal
15. Asma Khatoon Wife of late Md. Ansari
1. Md. Mustafa Son of late Md. Ansari
2. Md. Murtafa Son of late Md. Ansari
3. Md. Faku Son of Md. Ansari
4. Bibi Fatima Daughter of late Md. Ansari
5. Bibi Kulsum Daughter of late Md. Ansari
6. Bibi Rahnuma Daughter of late Md. Ansari
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16. Md. Abdur Rahman@ Md. Abdul Raham Son of late Md. Moin Ansari
17. Md. Amin Ansari son of late Haji Maqbool Ansari
18. Md. Haroon @ Md. Haroon Rashid Son of late Sabir Ansari
19. Md. Ibrahim Son of late Md. Tahir
20. Md. Matiur Rahman Son of late Amin Daulla
21. Md. Islam Son of late Ali Jan
22. Md. Samsad Son of late GulHasan
23. Md. Sahbaj Son of Md. Islam
24. Md. Kalim Son of late Abdul Razzak Ansari
25. Md. Rashid Ahmad@ Md. Rashid Hussain Son of late Md. Moin Ansari
26. Md. Abdul Mannan Son of late Hazi Reyasat
27. Md. Javed Son of late Abdul Majid All resident of Mohalla and P.S. Nathnagar, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar, Advocate
For the Respondent/s	:	Mr. SC-9
		Md. Najmul Hodda, Advocate
		Mr. Bijay Bhushan Prasad, Advocate
		Mr. Vikash Kumar, SC-11
		Mr. Avinash, Advocate
		Mr. Kritya Nand Jha, Advocate
		Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

13 22-08-2022

I.A. No. 05 of 2022:-

This Interlocutory Application has been filed for deleting the name of Respondent Nos. 16, 25, 26 and for substituting their legal heirs and representatives as Respondents whose details are mentioned in paragraphs 3, 4 and 5 of this Interlocutory Application.

Learned counsel for the petitioners submits that the Respondent Nos. 16, 25 and 26 died during corona



period, but the date of death of these Respondents are not made available to the petitioners.

Learned counsel appearing for the Respondents have no objection to the Interlocutory Application.

Taking into consideration the nature of prayer made in the Interlocutory Application, the same is allowed and the Respondent Nos. 16, 25 and 26 are directed to be deleted from the array of the parties and their legal heirs and representative are directed to be substituted in their place, details of whom, are mentioned in paragraphs-3, 4 and 5 of the Interlocutory Application.

At this stage, Mr. Manoj Kumar Jha, learned counsel appearing for the substituted heirs submits that no notice need be issued to the substituted heirs inasmuch as he has received *Vakalatnama* on their behalf and will be filing the same by Friday.

CWJC 14222 of 2014:-

Heard the parties.

The petitioners have filed this application against the order dated 31.5.2013 and 2.4.2014 passed by the learned Sub Judge-VII, Bhagalpur, in Title Suit No. 348 of



2003/T.R. No. 153 of 2010 by which the defendant Nos. 12 and 13 have been debarred from filing the written statement.

After some argument, both the parties agreed that the impugned orders may be quashed and the written statement filed by the petitioners may be directed to be accepted by the Trial Court.

With the consent of the parties, the impugned orders dated 31.5.2013 and 2.4.2014 are hereby quashed. It has been informed at the bar that petitioners/defendant Nos. 12 and 13 have already filed their written statement on 22.03.2013. Therefore, the learned Trial Court is directed to accept their written statement in the suit.

Accordingly, this application stands disposed of.

(Anil Kumar Sinha, J)

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