

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1301 of 2018

Nirmal Ghosh son of late Upendra Nath Ghosh resident of village - Driver Tola, Katihar, Post, Police Station and District Katihar.

... .. Petitioner/s

Versus

1. Balram Ghosh son of Late Atal Bihari Ghosh resident of mohalla - Ghoshpara Colony No. 2, Post, Police Station and District - Katihar.
2. Parimal Ghosh
3. Amal Ghosh Both sons of Late Upendra Nath Ghosh Both residents of village - Driver Tola, Katihar, Post, Post Station and District - Katihar.
4. Pakkhi Ghosh @ Abha Rani Ghosh wife of Rabi Ghosh, d/o Upendra Nath Ghosh resident of Sukumar Roy Road, Subhash Palli, Siliguri, M.C. Darjeeling, West Bengal - 734001.
5. Buran Ghosh @ Nibha Ghosh wife of Mahadeb Ghosh, D/o Late Upendra Nath Ghosh resident of Ashok Nagar, Siliguri Bazar, Ward No. 32, Siliguri Municipal Corporation Siliguri Bazar, Darjeeling West Bengal - 734005.
6. State of Bihar through Collector, Katihar, Distt. Katihar.
7. C.O., Katihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ratnakar Ambastha
For the Respondent/s : Mr.Sajid Salim Khan - Sc25

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 22-09-2022 Learned counsel for the petitioner / defendant submits that Title Suit No. 245 / 2015 has been filed by the plaintiff in which the defendant no. 4 has been made as one of the defendants whereas, the defendant no. 4 had died prior to the filing of the Suit. Therefore, his submission is that Suit is not maintainable against dead person.

The Suit has been filed for declaration of title and confirmation of possession by the plaintiff upon the suit land.



The petitioner being the defendant gave communication to the court regarding the death of the defendant no. 4 but no action has been taken by the plaintiff for his substitution.

After having heard learned counsel for the petitioner, I do not find any merit in the case. If substitution has not been filed by the plaintiff on the information regarding death of the defendant no. 4 the plaintiff will suffer legal consequences in accordance with law.

Accordingly, this Civil Miscellaneous application is dismissed.

(Anil Kumar Sinha, J)

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