

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1917 of 2018**

Poonam Sinha W/o Kumar Ravi Shankar Resident of Aamgola, Parao
Pokhar, Lane No.2, Ward No.34, PS Kazimahmadpur, Dist. Muzaffarpur

... .. Petitioner/s

Versus

- 1.1. Ragni Kumari W/o Late Swaraj Kumar, R/o Mohalla - Sahwan Hata, Janta Chowk, P.S. - K. Hat, P.O. - Purnea, Distt. - Purnea.
- 1.2. Aniket Raj, S/o Late Swaraj Kumar, R/o Mohalla - Sahwan Hata, Janta Chowk, P.S. - K. Hat, P.O. - Purnea, Distt. - Purnea.
2. Dipak Kumar S/o Late Meera Singh Residents of Srinagar Road, Janta Chowk, P.S. K. Hat, Dist. Purnea
3. Anita Singh D/o Late Meera Singh Residents of Srinagar Road, Janta Chowk, P.S. K. Hat, Dist. Purnea

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. S.S. Dwivedi, Sr. Advocate Mr. Parth Gaurav, Advocate Mr. Rakesh Chandra, Advocate Mrs. Sangeeta Sharma, Advocate
For the Respondent/s	:	Mr. Surya Kant Mishra, Advocate Mr. Gajendra Kumar Jha, Advocate Mr. Ram Bahadur Jha, Advocate Mr. Sushil Kr. Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

9 11-09-2023 Heard the parties.

2. This application has been filed for quashing of the order dated 13.11.2018 passed by learned Subordinate Judge-II, Purnia in Title Suit No. 338 of 2014 by which learned Judge has allowed the application of deceased plaintiff Meera Singh.

3. From reading of the impugned order passed by learned Subordinate Judge-II, Purnia in Title Suit No. 338 of 2014, it is an admitted position that the impugned order has been passed without hearing the defendants and therefore, the



impugned order cannot be sustained.

4. In view of the above, this application is allowed. The impugned order dated 13.11.2018 passed by learned Subordinate Judge-II, Purnia in Title Suit No. 338 of 2014 is hereby quashed in the interest of justice.

5. Since the plaintiff Meera Singh had died, there is no need of remitting the matter back for consideration of the application dated 17.11.2017.

6. At this stage, Mr. Gajendra Kumr Jha learned counsel for the substituted plaintiffs has submitted that the substituted plaintiffs may be given liberty to file a fresh application for D.N.A examination.

7. The substituted plaintiffs do not need any permission from this Court to file any fresh application for D.N.A examination, if the same is maintainable in law. For a legal right the substituted plaintiffs do not need any permission from this Court.

8. If any application of any nature is filed by any of the party in the Title Suit No. 338 of 2014, the same has to be considered in accordance with law and it should not be considered only because the matter has travelled up to this Court.



9. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

Harsh/

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