

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2748 of 2011

-
-
1. MOST. DUKHANI DEVI @ MOST DUKHIYA DEVI, Wife of Late Baldeo Rai, Resident Of Village- Tarasia, P.S. Raghapur, District- Vaishali At Hajipur Presently Residing At Mohalla- Jhauganj, P.S.- Chowk, Patna City, District- Patna
 2. Ram Nath Rai, Son of Late Baldeo Rai, Resident Of Village Tarasia, P.S.- Raghapur, District- Vaishali At Hajipur Presently Residing At Mohalla- Jhauganj, P.S. Chowk, Patna City, District - Patna

... .. Petitioner/s

Versus

1. SRI RAMANUJ RAI, Son of Late Punit Rai, Resident Of Village- Shivkumarpur, P.S. Raghapur, District- Vishali At Hajipur Presently Residing At Mohalla- Jhauganj, P.S. Chowk, Patna City, District Patna
2. Harbansh Rai, Son of Shri Biltoo Rai, Resident Of Village- Shivkumarpur, P.S.- Raghapur, District- Vishali At Hajipur Presently Residing At Mohalla- Jhauganj, P.S. Chowk, Patna City, District Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prakash Chandra Agrawal, Advocate
For the Respondent/s : Mr. Mujtabaul Haque, GP- 12

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 25-04-2023 At the outset, the learned counsel for the petitioner submits that the petitioner no. 01 has died, hence her name be expunged. It is also submitted that the petitioner no. 01 is survived by only one son, who has already been arrayed as petitioner no. 02, hence there is no need of any substitution.

Accordingly, the registry is directed to expunge the name of petitioner no. 01.

The present writ petition has been filed seeking the following reliefs:-

“1(i). For setting aside the order dated



02.08.2010 passed in Title Suit No. 289 of 1983 by the learned Sub-Judge-V, Patna City, District- Patna, whereby and whereunder the substituted defendant No. 3, 3/A and 3/B have been deleted from the list of the defendants allowing the petition dated 31.08.2007 and rejecting the rejoinder of the defendant No. 1 and 2,

(ii) For the direction to the learned Sub-Judge-V, Patna City, Patna to proceed ex-parte against the substituted defendant No. 3, 3/A and 3/B if appears to do so continuing them to be listed in the list of defendants."

At the outset, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to pursue his remedies before the learned Court below in the ongoing title suit bearing Title Suit No. 289 of 1983, pending before the learned Court of Sub Judge-V/successor Court, Patna City. Liberty so sought is granted.

The writ petition stands disposed off.

(Mohit Kumar Shah, J)

S.Sb/-

U			
---	--	--	--

