

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.394 of 2018**

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Sanjay Kumar Kedia Son of late Ram Chandra Kedia Resident of Mohalla-
Sarai,Lal Khan Dargah Lane, P.S.- Tatarpur, District- Bhagalpur.

... .. Petitioner/s

Versus

1. Usman
2. Nasar
3. Sweety
4. Baby

Respondent No. 1 to 4 are Sons and Daughters , respectively of Md. Firoz
Bakht. Resident of Mohalla- Tatarpur, P.S. Tatarpur, District- Bhagalpur.

5. Bhagwati Devi Kedia Wife of late Ram Chandra Agarwal Resident of
Mohalla- Sarai,Lal Khan Dargah Lane, P.S.- Tatarpur, District- Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ansul, Advocate

For the Respondent/s : Dr. Manoj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 12-10-2023 Heard the parties.

2. The present application has been filed for setting
aside the order dated 01.02.2018 passed by the Munsif, IInd,
Bhagalpur in Title Eviction Suit No. 32 of 1994 by which the
learned Munsif has rejected the application of the petitioner and
also rejected the prayer for substituting his name in place of the
original defendant.

3. It has been submitted by learned counsel for the



petitioner that the original tenant was Ram Chandra Agarwal. After his death, Bhagwati Devi Kedia was joined as the party in the eviction suit. After the death of Ram Chandra Agarwal, an application was filed by the petitioner that in place of Bhagwati Devi Kedia, he may be allowed to contest the suit. Now Bhagwati Devi Kedia has also died and the petitioner is the heir of Bhagwati Devi Kedia who is running the shop.

4. Initially, the Eviction Suit No. 32 of 94 was allowed and the same has been remanded by this Court in Civil Revision No. 531 of 2005.

5. The petitioner is permitted to be added as respondent-tenant in place of his father as his mother has already died.

6. The Court below is directed to conclude the hearing of the suit after remand on day to day basis and pronounce the judgment within one month from the date of receipt of a copy of this order.

7. If the judgment goes against the petitioner, then the Court below will execute the decree within next 15 days.

8. With the aforesaid direction, this application is allowed.

9. Let a copy of this order be communicated to the



District Judge, Bhagalpur for its compliance through FAX or e-mail forthwith.

10. The Court below will file a compliance report after two months.

(Sandeep Kumar, J)

P. Kumar

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