

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Letters Patent Appeal No.335 of 2021**

**In**  
**Civil Writ Jurisdiction Case No.7961 of 2020**

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Anuradha Tiwary Wife of Late Kailash Bhushan Tiwary Resident of Village -  
Ori Kothi, Station Road, Musafirganj, Ward No. 10 P.S. and District- Buxar.

... .. Appellant/s

Versus

1. The State of Bihar through the Secretary, Energy Department, Govt. of Bihar, Patna.
2. The C.M.D., Bihar State Power (Holding) Company Ltd. Vidyut Bhawan, Bailey Road, Patna.
3. The Deputy General Manager (Finance and Accounts) Bihar State Power (Holding) Company Ltd. Vidyut Bhawan, Bailey Road, Patna.
4. The Account Officer Pension, Bihar State Power (Holding) Company Ltd. Vidyut Bhawan, Bailey Road, Patna.

... .. Respondent/s

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**Appearance :**

|                            |   |                                                 |
|----------------------------|---|-------------------------------------------------|
| For the Appellant/s        | : | Mr. Rakesh Kumar Sharma, Advocate               |
| For the Respondent/s       | : | Mr. Yogendra Prasad Sinha, AAG 7                |
|                            |   | Mr. S. Kumar, AC to AAG 7                       |
| For Respondent – Company : |   | Mr. Vinay Kirti Singh, Sr. Advocate assisted by |
|                            |   | Mr. Akhileshwar Singh, Advocate                 |

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**CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI**  
**and**  
**HONOURABLE MR. JUSTICE RAMESH CHAND**  
**MALVIYA**  
**ORAL JUDGMENT**  
**(Per: HONOURABLE MR. JUSTICE P. B. BAJANTHRI)**

**Date : 23-01-2024**

The present LPA is presented by *Smt. Anuradha Tiwary*  
who is stated to be wife of deceased *Kailash Bhushan Tiwary*.  
Deceased *Kailash Bhushan Tiwary* filed CWJC No. 7961 of 2020  
and it was decided on 12.02.2021.



2. During the pendency of CWJC No. 7961 of 2020, deceased *Kailash Bhushan Tiwary* died on 31.01.2021. Therefore, legal heir of deceased *Kailash Bhushan Tiwary* should have filed interlocutory application to pursue the pending writ petition on behalf of legal heir. In other words, judgement dated 12.02.2021 passed in CWJC No. 7961 of 2020 is against dead person.

3. Accordingly, present LPA stands disposed of reserving liberty to the appellant to file civil review petition.

4. Pending I.A.(s), if any, stand disposed of.

**(P. B. Bajanthri, J)**

**(Ramesh Chand Malviya, J)**

GAURAV S./-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
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