

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.22808 of 2013

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1. Kunal Kumar and Anr Son Of Late Ishwari Prasad Resident Of Village Dharam Rai Chak, Post Office Lakhisarai, Police Station Lakhisarai District Lakhisarai . He Is Legal Heirs And Representative Of Sole Plaintiff Jagdish Ram
 2. Veena Devi Wife Of Late Ishwari Prasad Resident Of Village Dharam Rai Chak, Post Office Lakhisarai, Police Station Lakhisarai District Lakhisarai . He Is Legal Heirs And Representative Of Sole Plaintiff Jagdish Ram

... .. Petitioner/s

Versus

1. Smt. Yasodhara Devi and Ors Wife Of Sri Sachchidanand Resident Of Village Nayatola, Post Office Lakhisarai Police Station Lakhisarai, District Lakhisarai
2. Sheikh Yuman Son Of Late Sheikh Yahangir Resident Of Village Bari Dargah, Police Station Lakhisarai, P.O. Lakhisarai, District Lakhisarai
3. Sheikh Alam Son Of Late Sheikh Yahangir Resident Of Village Bari Dargah, Police Station Lakhisarai, P.O. Lakhisarai, District Lakhisarai
4. Mohamad Akhtar Son Of Late Akbar Resident Of Village Bari Dargah, Police Station and Post Office Lakhisarai, District Lakhisarai
5. Birju Ram Son Of Late Jagidsh Ram Resident Of Village Dharam Rai Chak, Police Station and Post Office Lakhisarai, District Lakhisarai

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Harshwardhan Sahay
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 23-04-2024 Though the case has been listed for fresh notice upon the Respondents No. 2 to 4 but the learned counsel for the petitioner submits that they are proforma parties and they have no interest in this case and they are vendors and therefore, they are not receiving the notice. He further submits that this application can be disposed of in absence of the Respondents No. 2 to 4 also.

2. This application is being heard on merits.

3. Heard learned counsel for the petitioners and



learned counsel appearing on behalf of the Respondent No. 1.

4. This application has been filed for quashing the order dated 24.09.2013 passed by Sub-Judge, II, Lakhisarai in Title Suit No. 59 of 2007 by which the substitution petition dated 25.11.2011 which was filed after a delay of fifteen days has been rejected.

5. Learned counsel for the Respondent No. 1 has opposed the application here also and has submitted that the impugned order dated 24.03.2011 has been rightly passed.

6. In my view, the impugned order is perverse and it cannot be sustained. The substitution petition ought to have been allowed after condoning the limitation as the grounds mentioned in the limitation petition are good grounds for condoning the limitation.

7. This application is allowed.

8. The limitation is condoned.

9. The substitution petition dated 25.11.2011 is allowed.

10. The Title Suit No. 59 of 2007 will proceed.

(Sandeep Kumar, J)

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