

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7409 of 2016

1.1. Smt. Lal Muni Devi @ Lalmuni Kuer, wife of late Shyam Lal Mahto @ Shyam Lal Mahato

1.2. Sunil Kmar.

1.3. Anil Kumar

1.4. Niranjan Singh.

Sl. Nos. 1.2 to 1.4 are sons of late Shyam Lal Mahto @ Shyam Lal Mahato.

All are resident of village/mohalla - Kuraich, P.S. - Sasaram, District - Rohtas.

... .. Petitioner

Versus

1. Ramdeyee Kuar, wife of late Prabhu Dayal Singh

2. Ashok Kumar

3. Santosh Kumar.

Both sons of Late Prabhu Dayal Singh.

All 1 to 3 are residents of village - Kuraich, P.S. - Sasaram, District - Rohtas.

4. Kusum Singh, wife of Sri Haridwar Singh, resident of village - Janjara, P.S. - Shio Sagar, District - Rohtas.

5. Arjun Singh

6. Kesho Prasad

Both sons of late Sahdeo Singh

7. Banshidhar Singh

8. Karmal Narain Singh

Both sons of Arjun Singh

9. Devendra Kumar son of Banshidhar Singh

10. Nawlesh Singh @ Mantu Keshav Prasad son of not known since name is not in Title Suit No. 288 of 1998.

All 5 to 10 are residents of Mohalla - Kuraich, P.S. - Sasaram, District - Rohtas.

11. Budhia Devi wife of late Ramjag Singh

12. Nathuni Singh son of late Ramjag Singh

13. Sunil Kumar son of Nathuni Singh



14. Dhanraj Singh Son of late Sitaram Singh
15. Babu Chandra Singh
16. Ramashrey Singh.

Sl. No. 15 and 16, both sons of Dhanraj Singh.

All residents of Village - Kuraich, P.S. - Sasaram, District - Rohtas.

17. Nathuni Singh Son of late Bhagwan Singh
18. Maheshwari Devi wife of Nathuni Singh
19. Ajit Kumar son of Nathuni Singh
20. Anirudh Singh Son of late Bhagwan Singh null
21. Vijay Kumar
22. Vinod Kumar

Sl. No. 21 and 22, both sons of Anirudh Singh.

All residents of Village - Kuraich, P.S. - Sasaram, District - Rohtas.

... .. Respondents

Appearance :

For the Petitioners	:	Mr. Radha Mohan Pandey, Advocate
For the Respondents	:	Mr. Ambuj Nayan Chaubey, Sr. Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 01-02-2024

Re:- Interlocutory Application No.5758 of 2017

This Interlocutory Application has been filed for substitution of heir and legal representative of sole petitioner namely, Shyam Lal Mahto, who died during the pendency of this case leaving behind his heir and legal representative whose details have been mentioned in paragraph no.2 of this Application.

For the reasons recorded in this application, it is allowed. The heir and legal representative of sole petitioner namely, Shyam Lal Mahto, as detailed in paragraph no.2 of this



Interlocutory Application, be substituted in his place.

The Vakalatnama on behalf of substituted petitioners is already on record.

Re:- C.W.J.C. No.7409 of 2016

In this case, the petitioners are challenging the order dated 21.01.2016 passed in Title Suit No.288 of 1998, by which the learned Sub Judge-8, Sasaram has rejected the petition dated 18.05.2009 filed by the original petitioner for impleading him as party defendant in the aforesaid Title Suit No.288 of 1998.

2. Learned senior counsel for the respondents submits that he does not have any objection if the intervention petition filed in the Court below is allowed.

3. In view of the aforesaid submission of learned counsel for the respondents and with consent of the parties, the impugned order dated 21.01.2016 passed by the learned Sub Judge-8, Sasaram in Title Suit No. 288 of 1998 is quashed. The interim order dated 28.07.2016 passed by this Court is hereby vacated.

4. The petitioners are directed to be added as defendants in the Title Suit No.288 of 1998. The petitioners/defendants are directed to file their written statement



in the aforesaid title suit within 30 days from today. If the plaintiffs want to examine their witnesses in view of the written statement of the petitioners/defendants, they will be permitted to do so within next three months. Thereafter, the petitioners/defendants will be at liberty to examine their witnesses in another six months. The Title Suit No.288 of 1998 must be disposed of by the Court below within ten months from today.

5. With the aforesaid observations and directions, this writ petition is allowed.

6. Let a copy of this order be communicated to the District Judge, Rohtas forthwith through FAX or e-mail for its compliance.

(Sandeep Kumar, J)

pawan/-

U			
---	--	--	--

