

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.287 of 2023

In
CIVIL REVISION No.73 of 2022

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Rama Nath Saha Son of Late Dindayal Sah Resident of Adarsh Campus, Ram Suchit Mishra Path, East Boring Canal Road, P.S. Budha Colony, District Patna.

... .. Petitioner/s

Versus

1. Manorma Sahu Wife of Late Ramchandra Raman Resident of Ram Suchit Mishra path, P.S. Budha Colony, District-Patna.
2. Aditya Arora, Adopted Son of Late Ramchandra Raman and Manorma Sahu (adoptive Mother) Resident of Ram Suchit Mishra path, P.S. Budha Colony, District-Patna.
3. Vijay Kumar Sahu Son of Late Radha Raman sahu Resident of Mohalla-Maharajganj, Sihauta Bazar, Gallapatti, P.S.-Maharajganj, District-Siwan at Present 15/92, Gandhi Nagar Third Lane Sunaganj, P.S. Gangaghat, District-Unao (U.P.)
4. Chanda devi Wife of Vijay Kumar Sahu Resident of Mohalla-Maharajganj, Sihauta Bazar, Gallapatti, P.S.-Maharajganj, District-Siwan at Present 15/92, Gandhi Nagar Third Lane Sunaganj, P.S. Gangaghat, District-Unao (U.P.)

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. S.S. Dwivedi, Sr. Advocate Mr. Ashutosh Kumar Pandey, Advocate Mr. Swayamprakash Mishra, Advocate Mr. Partha Gaurav, Advocate
For the Respondent/s	:	Mr. Ashok Nandan Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

7 07-10-2025 Heard learned counsel for both the parties.

2. The present Civil Miscellaneous application has been filed on behalf of the petitioner against the order dated 11.11.2022 passed by Sub Judge-VIII, Patna in Title Eviction Suit No. 15 of 2001 by which the learned Sub Judge-VIII, Patna without applying his judicial mind and without considering Sections 7, 8, 9 and 11 of the Hindu Adoptions and Maintenance Act, 1956 passed the order hurriedly and illegally by wrongly inserting Aditya Arora



alleged adopted son as plaintiff no. 2 in Title Eviction Suit No. 15 of 2001 which is fit to be set aside.

3. Learned counsel for the petitioner submits that Eviction Suit No. 15 of 2001 was filed by the sole plaintiff *Ram Chandra Raman* against the petitioner. On 29.04.2018, aforesaid sole plaintiff died. Thereafter, substitution petition was filed on behalf of *Manorma Sahu* (widow) and *Aditya Arora* who is purported to be the adopted son of late *Ram Chandra Raman*.

4. Petitioner has no grievance regarding substitution of *Manorma Sahu* being widow of deceased plaintiff but he has objection with regard to substitution of purported adopted son namely, *Aditya Aroara* and he assails the adoption. He further argues that learned Trial Court has not determined this fact in the light of provision under Order 22 Rule 5, while it was necessary to come to the conclusion that whether *Aditya Arora* was adopted son of late *Ram Chandra Raman* or not. To buttress his arguments, learned counsel relied on the judgement in the case of **Jaladi Suguna Vs. Satya Sai Central Trust** reported in **(2008) 8 SCC 521**. The relevant portion of the said judgment reads as under:-

“15.The determination as to who is the legal representative under Order 22 Rule 5 will of course be for the limited purpose of representation of the estate of the deceased, for adjudication of that case. Such determination for such limited purpose will not



confer on the person held to be the legal representative, any right to the property which is the subject-matter of the suit, vis-a-vis other rival claimants to the estate of the deceased.”

5. From perusal of impugned order, it transpires that the learned Trial Court has not given his finding that on what basis he has found *Aditya Arora* as adopted son late *Ram Chandra Raman* even on prima facie, which is required under Order 22 Rule 5.

6. In view of the aforesaid facts, the case is remanded to the Trial Court to give his finding in view of the aforesaid judgment within a period of one month from the date of production/receipt of this order. It is made clear that aforesaid finding of this Court will not be relevant for any further adjudication in another suit regarding adoption of *Aditya Arora*.

7. With the above observation, the present application stands disposed of.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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