

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2890 of 2025

In
SECOND APPEAL No.56 of 2014

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1. Geeta Devi, W/o Late Binod Kumar Poddar, aged about 69 years, Gender-Female,
 2. Bikash Kumar Poddar @ Bikash Kumar, S/O Binod Kumar Poddar, aged about 44 years, Gender- Male,
Both 1 and 2 resident of Mangal Bazaar, Phal Patti, P.O and P.S.-Dist-Katihar.
 3. Jyoti Agarwal, D/O Late Binod Kumar Poddar, W/o Bijay Agarwal, aged about 51 years, Gender- Female, R/o Sanwaria Complex, Mangal Bazar, PS-Katihar, Katihar.
 4. Vandana Agarwal @ Vandana Kamani, W/o Vivek Agarwal, aged about 46 years, Gender- Female, R/O-H. No- 98K, Aijun Road Deoria, New Bazar, Kamanbi Market, Ward No- 17, P.S and Distt- Deoria, (U.P.)-274001.
 5. Pankaj Priyadarshi, adopted son of Late Pavan Kumar Poddar, aged about 39 years, Gender- Male.
 6. Bal Krishna Poddar, son of Late Jamuna Prasad Poddar, aged about 61 years, Gender- Male,
Both 5 and 6 residents of Mohalla- Mangal Bazar, P.O and P.S. and Distt-Katihar.

... .. Petitioner/s

Versus

1. Most. Ram Kanta Devi, wife of late Ram Kumar Bansal,
2. Raju Bansal, son of Late Ram Kumar Bansal,
3. Amit Kumar Bansal, son of Ram Kumar Bansal,
4. Shibani Bansal, D/o late Ram Kumar Bansal,
All 1 to 3 resident of Churi Patti, Mangal Bazar Katihar, P.O and P.S. and District- Katihar.
5. Kamini Goyal, wife of Sanjay Goyal, R/o- Mohalla- Atmatpur, P.S and District- Agra.
6. Sikha Agarwal, wife of Anil Kumar Agarwal, R/o-Ferozabad, P.O and P.S and District- Ferozabad.
7. Indra Kumar Bansal,
8. Birendra Kumar Bansal,
9. Narendra Kumar Bansal,
All 6 to 9 are son of Late Roshan Lal Bansal, resident of Mohalla- Mangal Bazar, P.O and P.S. and District- Katihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Waliur Rahman, Advocate
For the Opposite Party/s : None



CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 05-12-2025 **Interlocutory Application No.01 of 2025**

This interlocutory application has been filed seeking leave of the Court for adding the heirs of the deceased appellant no.1, namely, Binod Kumar Poddar, who died on 22.12.2019 leaving behind his heirs and legal representatives during the pendency of Second Appeal No.56 of 2014.

2. It is submitted that a substitution petition along with limitation for setting aside abatement against the appellant no.1 was filed in Second Appeal No.56 of 2014 through e filing on 07.11.2021. The heirs of the deceased appellant no.1 are petitioner nos.1 to 4 in the present application. The aforesaid second appeal was dismissed for non-prosecution 23.06.2025. Learned counsel prays that petitioner nos. 1 to 4 may be permitted to pursue the present application on behalf of the deceased appellant no.1, Binod Kumar Poddar.

3. Having considered the facts and circumstances of the case and the averments made in the interlocutory application, same is allowed.

4. Petitioner nos.1 to 4 are permitted to pursue the case on behalf of the deceased appellant no.1, Binod Kumar Poddar.



5. Learned counsel for the petitioners is directed to file hard copy of the substitution petition of the deceased appellant no.1 in the office within a period of one week.

6. Interlocutory Application No.01 of 2025 stands allowed.

7. Accordingly, defect No.50 is ignored.

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8. This application has been filed for restoration of Second Appeal No.56 of 2014 to its original which was dismissed for non-prosecution on 23.06.2025.

9. Having regard to the facts and circumstances of the case and the grounds made out in the present application, same is allowed and Second Appeal No.56 of 2014 is restored to its original file subject to payment of Rs.5,000/- (five thousand) to the other side.

10. The petitioners shall file the receipt showing payment of the cost to the other side in the office within a period of four weeks. Upon filing of the receipt by the petitioners as aforesaid, the office shall proceed accordingly.

11. Accordingly, this application is allowed.

(Khatim Reza, J)

J. Alam/-

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