

IN THE COURT OF Miss. KIRAN KUMARI
Munsif , Ballia, Begusarai
Title Suit Case No. 09/2018

Chanabati Devi and Others-Plaintiff
V/s
Umesh Paswan and Others-Defendant

ORDER

29-01-26 Heard learned counsel for the petitioner/plaintiff and learned counsel for the opposite party/defendant on the application filed on behalf of plaintiff No.2 under Order XXII Rule 3 read with Order I Rule 10 of the Code of Civil Procedure, seeking substitution/impleadment of the legal heirs of deceased plaintiff No.1, namely Late Chanawati Devi, as parties to the suit. Perused the record and the rejoinder filed by the defendants.

It is not in dispute that plaintiff No.1, Chanawati Devi, expired on 14.06.2025. It is further stated that she left behind three sons, namely Ram Lakhan Prasad (already on record as plaintiff No.2), Sunil Mahto and Jai Nandan Prasad, and one daughter, namely Sushila Devi. It is submitted that Sushila Devi has already moved an application under Order I Rule 10 CPC for being impleaded as a plaintiff, whereas Sunil Mahto and Jai Nandan Prasad, despite having knowledge of the suit, have not come forward and, therefore, the present application has been filed to implead them as defendants under the category of defendant second party.

The defendants have opposed the application on various grounds, inter alia, that the application is not maintainable at this stage of the suit and that the applicant has failed to establish the necessity of impleadment. Objections regarding the relationship and entitlement of the proposed parties have also been raised.

At this stage, the Court is required to consider whether the proposed parties are legal heirs/necessary parties for the effective and complete adjudication of the matter. In view of the admitted death of plaintiff No.1 and the averments regarding her legal heirs, the presence of all her legal representatives on record is necessary to avoid multiplicity of proceedings and to ensure that any decree passed binds all concerned.

IN THE COURT OF Miss. KIRAN KUMARI
Munsif, Ballia, Begusarai
Title Suit Case No. 09/2018

Chanabati Devi and Others-Plaintiff

V/s

Umesh Paswan and Others-Defendant

Cono
21-01-26

The objections raised by the defendants pertain to the merits of the claims and relationship of the parties, which are matters to be adjudicated at the appropriate stage of trial and cannot be conclusively determined in the present interlocutory application.

Accordingly, the application is **allowed**.

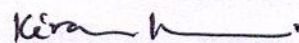
ORDER

1. Sunil Mahto and Jai Nandan Prasad, sons of Late Saryug Mahto, residents of Village Rajopur, Ward No. 2, P.S. Dandari, District Begusarai, be impleaded as parties to the suit as defendants under the category of defendant second party, as prayed.
2. The plaint and cause title be amended accordingly within a period of two weeks.
3. Fresh summons/notices be issued to the newly impleaded defendants for their appearance.
4. The defendants shall be at liberty to file their written statement, if any, in accordance with law.

The rejoinder/objections are disposed of in the above terms.

(Typed and corrected by me)

(Dictated)



(Kiran Kumari)

Munsif

Ballia, Begusarai

Date. 21-01-26