

**THE COURT OF MUNSIF, SUB-DIVISIONAL CIVIL COURT, PIRO,****DISTRICT- BHOJPUR AT ARA.**Title Suit No. 09 of 2001

Subhash Chandra Singh

V.

Ashok Singh &amp; Ors.

| Date of Order<br>or Proceeding | Order with the signature of the court                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Office<br>action<br>taken<br>with date |
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| <b>24.08.2022</b>              | <p>1. Pairavi from the both sides have been filed. The present case-record is listed today for rejoinder on a pending petition dt. 05.12.2019 filed by plaintiff under Order 22 R.4 r/w 151 of the CPC.</p> <p>2. On call, Ld. Counsels from both sides appeared. Ld. Counsel for the defendant appeared and stated that he has no objection upon said substitution petition dt. 05.12.2019 and endorsed the same on petition. Subsequently, both side have been heard at length by the court on pending petition dt. 05.12.2019.</p> <p>3. Plaintiff vide his Petition dated 05.12.2019, supported with an affidavit, has stated that Defendant No. 03 Jagnarayan Singh expired on dated 16.10.2019 and his name is required to required to be deleted from title page and inter-alia prayed to substitute his name with his two legal heirs i.e. his wife- Ramrati Devi and his daughter- Sanjita Devi.</p> <p>4. Defendant in his reply without filing his rejoinder has submitted that he has no any objection upon the above substitution petition.</p> <p>5. Heard both sides at length and considered the rival submissions placed by Ld. counsels from the both sides. Perused the Case Record.</p> <p>6. <i>Upon perusal of the Case Record, this court finds that the Petition dt. 05.12.2019 filed by the Plaintiff is well supported with an affidavit. Ld. Counsel for defendant admitted the factum of death of defendant no. 3. The date of death of defendant no. 3 has been mentioned as 16.10.2019. Hence, it is manifestly clear that substitution petition in question has been filed on 05.12.2019 which shows that said petition has been filed within 90 days from date of death of defendant in question as per law of limitation.</i></p> <p>7. <i>Considering the aforesaid facts and surrounding circumstances of the case, substitution petition dt. 05.12.2019 is allowed in the interest of justice. Accordingly, the petition is disposed off and plaintiff is directed to delete the name of Defendant No.3 from title page of plaint and substitute his two legal representatives as mentioned in said petition.</i></p> <p>8. Plaintiff is directed to file proper requisites for notice to substituted legal representatives of Defendant no. 3 through Nazarat mode and RPAD within 7 days. Thereafter, office is directed to issue notice accordingly.</p> <p>9. Further, plaintiff is also directed to comply previous orders and file a fresh writ. Put up on <b>28.09.2022</b> for further proceeding.</p> <p style="text-align: right;"><b>Munsif, Piro.</b></p> |                                        |