

THE COURT OF MUNSIF, SUB-DIVISIONAL CIVIL COURT, PIRO,**DISTRICT- BHOJPUR AT ARA.**Title Suit No. 68 of 2004

Date of Order or Proceeding	Order with the signature of the court	Office action taken with date
02.09.2022	1. Pairavi on behalf of the both sides have been filed. 2. The present case-record is listed today for hearing on a pending petition dt. 02.09.2022 filed by plaintiff under Order 22 R.4 r/w 151 of the CPC. In reply to above petition, defendant had without filing rejoinder commented no objection on above petition. On Call, both side appeared and completed hearing. 3. Plaintiff vide his above Petition submitted that Defendant No. 01 Hari Charan Singh expired on dated 20.08.2021 and his name is required to be expunged from title page and inter-alia prayed to substitute his name with his four legal heir i.e. his two sons i.e. i. Vijay Shankar Singh, ii. Sudarshan Singh, and his two daughters; namely. iii. Sunaina Devi, and iv. Reshma Devi. 4. Defendant in his reply without filing rejoinder endorsed comment of no objection on said petition and submitted to accept the said petition. 5. Heard both sides at length and considered the rival submissions placed by Ld. counsels from the both sides. Perused the Case Record. 6. <i>Upon perusal of the Case Record, this court finds that the substitution Petition dt. 02.11.2021 filed by the Plaintiff is well supported with an affidavit. Ld. Counsel for defendant admitted the factum of death of defendant no. 1. Further, Ld. Counsel for defendants also made no objection on said petition regarding legal representative of defendant no. 1. It is also manifestly clear that substitution petition in question has been filed on 02.11.2021 which shows that said petition has been filed within 90 days from death of defendant no. 1 i.e. 20.08.2021 as per law of limitation.</i> 7. <i>Considering the aforesaid facts and surrounding circumstances of the case, substitution petition dt.02.11.2021 is allowed in the interest of justice. Accordingly, the petition is disposed off.</i> 8. Plaintiff is directed to expunge the name of Defendant No.1 from title page of plaint and substitute his legal representatives as mentioned in said petition. Further, Plaintiff is directed to file proper requisites for notice to substituted legal representative of Defendant no. 1 through Nazarat mode and RPAD on next date. <i>Put up on 16.09.2022 for compliance of order and further proceeding in the case.</i> Munsif, Piro.	

CIVIL COURT, PIRRO