

THE COURT OF MUNSIF, SUB-DIVISIONAL CIVIL COURT, PIRO.**DISTRICT- BHOJPUR AT ARA.**Misc Suit No. 05 of 2019

S N	Date of Order or Proceeding	Order with the signature of the court	Office action taken with date
	25.08.2022	1. The present case-record is fixed today for Order on petition dt. 08.07.2021. <u>Pairavi from both sides has been filed.</u> 2. The petitioner vide his Petition dated 08.07.2021, duly supported with an affidavit, has stated that original applicant/plaintiff has expired on 27.03.2021 leaving behind him a wife- Paawdharo Devi, and two sons, namely, Awadhesh Singh and Kedar Singh. It has been further stated that legal heirs of plaintiff are required to be substituted in lieu of applicant in the interest of justice and prayed to substitute them after deleting name of original applicant/plaintiff Shiv Bachan Singh. It has been further stated that above petition has been filed after delay and accordingly, prayed to permit substitution petition so that plaintiffs may get justice in the case. Vide another petition dt. 10.03.2022, applicant has stated therein that date of death of deceased plaintiff has been mistakenly not mentioned in earlier petition dt. 08.07.2021, and stated that he has died on 24.05.2021. 3. Ld. Counsel for defendant, without filing any rejoinder, has submitted that he has no any objection on above petition filed by plaintiff. 4. Heard both sides and perused the Case Record. 5. <i>Upon perusal of the same, this court finds that the Petition dt. 14.07.2021 filed by the Plaintiff is well supported with an affidavit. It is manifestly clear from the perusal of the petition that plaintiff Bachan Singh has died on 24.05.2021 and this substitution petition has been filed on 14.07.2021 and thus the same has been filed within the time limit of 90 days from date of death of plaintiff as per law and for continuation of the suit, legal representatives of deceased plaintiff should be impleaded as a party in the suit. Considering the aforesaid facts and surrounding circumstances of the case, substitution petition dt. 08.07.2021 and corresponding addendum petition dt. 10.03.22 is allowed in the interest of justice. Applicant is directed to delete the name of plaintiff and substitute his three legal heirs as mentioned in said substitution petition.</i> 6. Accordingly, petition 08.07.2021 & 10.03.2022 are disposed off. Further, applicant is directed to file requisite for notice to absent opposite parties by Registered post acknowledgement due. Next date is 15.09.2022 for further proceeding. (Munsif, Piro).	