

IN THE COURT OF CIVIL JUDGE (Jr. Div.), DUMRAON
Present:- Prateek Mishra, Civil Judge (Jr. Div.), Dumraon.
Title Suit No. - 62/1992

Date of Order	Order with initials of the Court	Remarks
<u>18.12.2025</u>	Case called upon. Ld. Counsel of Petitioner plaintiff moved his petition dated 10.10.2023 under Order 22 Rule 4 read with Section 151 of the Code of Civil Procedure wherein it has been pleaded that defendant no. 4 Umesh Kunwar of the suit has been died on 19.10.2022. Information of death was given by defendant on 12.05.2023. Details of legal heirs has been provided in the petition. Prayed for substitution of their name in place of respective deceased defendant. Petition in respect of condonation of delay has also been moved by the plaintiff and submitted that they were not having information about the death and no deliberate delay on their part in filing the petition. They came to know about death on return to his village and vide information petition filed by defendant regarding the same. Prayed for condonation of delay. The defendant vide reply dated 24.09.2024 objected upon substitution mainly on the ground that plaintiff and defendant are having adjacent house and plaintiff never went out of his village. He was having information of death. Prayer for dismissal on heavy cost. Perused the records and heard the parties. The claim of defendant regarding knowledge of death of defendant is not substantiated with any documentary proof or otherwise. It is also noted that information petition filed on 12.05.2023. Although, delay is there on the part of plaintiff. But this Court is of the view that said delay could be compensated with appropriate cost. It is noted that petition is duly supported by affidavit. In view of the above, the petition is allowed. Delay condoned on the cost of Rs. 700/- to be paid to defendant and substituted petition allowed on the cost of Rs. 500/-	

to be paid to Nazarat. Plaintiff is directed to get substituted name of legal heirs of deceased defendant as specified in the petition under reference. The plaintiff is directed to take necessary steps for appearance of substituted defendant.

List on 08-01-2026 for appearance of substituted defendant.

(Prateek Mishra)

Civil Judge (Jr. D.J.), Dumraon