

**Title Appeal – 21/2018
22/2005**

Suresh Chaudhary and others.....Appellant.

Verses

Shiva Chaudhary and othersRespondent.

15-11-2019 Both the parties have filed their pairvi. On call Ld. Counsel for appellant appeared.

Pressing the substitution petition dated 30-09-2019, the Ld. Counsel for appellant submitted that respondent No. - 1 namely Shiva Chaudhary died on 11-09-2019 leaving behind him sole son namely Jugesh Chaudhary as his sole heirs and successors of respondent No – 1. He further submitted that name of the deceased respondent No – 1 be deleted from memo of appeal and the same be substituted by his surviving son, heirs and successors of deceased as respondent No. 1. He further submitted that substitution petition is supported with affidavit and respondent has no objection.

Perused the record. Substitution petition is filed within prescribed time limit of the death of respondent No. 1. It is supported with affidavit, respondent raised no objection and there is nothing on record to controvert the submission of Ld. Appellant's counsel.

In view of above substitution petition is allowed u/o 22 R (4) of C.P.C and appellant is directed to make/ incorporate necessary deletion / substitution on memo of appeal as per prayer with the assistance of office within 15 days. Accordingly, substitution petition disposed off.

(Dictated)

S/d-

Addl. District & Sessions Judge 4th, Gaya