

In the Court of A.D.J.-IV, Jamui

Title Appeal No. 10/2017

Urmila Devi and others..... Appellants

Vs

Kari Devi and others..... Respondents

S/No	Date of Order Proceeding	Order with the signature of the Court	Office action taken with date
1	2	3	4
	<u>06-07-2023</u>	A petition for substitution supported with affidavit has been filed on behalf of Appellant on 01.02.2019. Copy of the petition has been supplied to Learned counsel for respondents and rejoinder has been filed on 18.03.2019. Heard both sides. Learned counsel for the appellant submitted that respondent no. 11 Fuleshwari Devi w/o Chhotelal Sah and respondent no. 12 Madan Mandal s/o Late Basudeo Mandal have died leaving behind their legal heirs. He further submitted that it is necessary to struck off their names from memo of appeal and to substitute their legal heirs in their place. He further submitted that earlier appellants have no knowledge regarding their death nor the other respondents informed the court regarding their death. He further submitted that just after getting the knowledge the appellant filed the proper petition supported with affidavit. Hence prayed to allow the substitution petition and petition for setting aside the abatement of appeal. On the other hand learned counsel for respondent opposed the submission and submitted that the appellant never mention the names of legal heirs properly and according to him Fuleshwari Devi left his two sons Mahendra Sah and Naresh Sah and three	...Contd....

<u>Continued..</u> <u>06-07-2023</u>	daughters Sukhwa Devi, Pano Devi and Nirmala Devi . behind her. He also submitted that Madan Mandal left his wife Kaushlya Devi, two sons Vijay Mandal, Ajit Mandal and three daughters Indu Devi, Bitu Devi and Sunita Devi. He further submitted that the petition is not proper. Hence prayed to dismiss the same. Having heard the submission of the parties and from perusal of case record it appears that the petition has been pending since long and neither the appellants nor the respondents are interested in the disposal of the petition. Hence for the ends of justice petition dated 01.02.2019 is hereby allowed and learned counsel for the appellant is directed to delete the names of respondent no. 11 Fuleshwari Devi w/o Chhotelal Sah and respondent no. 12 Madan Mandal s/o Late Basudeo Mandal from the memo of appeal and to substitute Mahendra Sah, Naresh Sah both sons of Chhotelal Sah; Sukhwa Devi, Pano Devi, Nirmala Devi all daughters of Chhotelal Sah r/o Village-Mahisauri, P.O.+P.S.+District-Jamui in place of respondent no. 11 Fuleshwari Devi. He is further directed to delete the name of respondent no. 12 Madan Mandal s/o Late Basudeo Mandal from the memo of appeal and substitute Vijay Mandal, Ajit Mandal sons of Late Madan Mandal; Indu Devi, Bitu Devi and Sunita Devi all daughters of Late Madan Mandal resident of Village-Bhatchak, P.S. and District-Jamui. Put up on 02.08.2023 for filing requisites for issuance of notices to substituted respondents. Dictated Sd/- D.B. Singh A.D.J.-IV	
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