IN THE COURT OF CIVIL JUDGE (S.D),
GOGARI, KHAGARIA
PRESENT PRESIDING OFFICER SH. SUMIT KUMAR SINGH
TITLE (PARTITION) SUIT NO. 78 OF 2017

IN THE MATTER OF:

YADUNANDAN JHA ...PLAINTIFF

VERSUS

SANTOSH JHA (DEAD THR. LRS) & ORS. ...DEFENDANTS

ORDER
17.06.2022

Present application dated 23.09.2019 has been filed by the plaintiff under Order 22 Rule 4 CPC alleging inter-alia that defendant no. 9 had died on 12.02.2018 leaving behind his legal representatives who are required to be substituted as defendants in his place. It was also submitted that previously plaintiff had filed an application under Order 22 Rule 4 CPC which was allowed vide order dated 30.08.2018. However, in inadvertently the name of defendant no. 1 was substituted in place of defendant no. 9. At the same time defendant no. 1 still alive. Hence, prayer was made to correct the memo of parties.

None had appeared for the defendants. Perusal of record shows that plaintiff's application for substitution of defendant no. 9 was already allowed by this Court on 30.08.2018. However, due to mistake the office had substituted the defendant no, 1 in place of defendant no. 9. The human error is liable to be corrected. Hence,

the present application is hereby allowed.

Memo of parties corrected today.

Let the plaintiff take steps for appearance of all the defendants afresh through speed post and nazarat.

List the matter on 29.07.2022.

Civil Judge (SD)