

COURT OF SUB-JUDGE 2nd, LAKHISARAI
T.S. No.27/2017

25.04.2023 Both the parties have filed his attendance through their learned counsel.

ORDER

Plaintiff has filed a petition U/o 22 rule 4 of CPC. Learned counsel on behalf of the plaintiff has pressed the petition dated 23.12.2021. The plaintiff has prayed to the court to substituted the legal heirs of the deceased defendant no.1 namely Most. Veena devi as per the petition.

According to the aforesaid petition, Ld. counsel on behalf of the plaintiff has submitted that during the pendency of the case, defendant no.1 Veena devi has died on 26.09.2021 leaving behind herself her sons namely Sandeep Kumar @ Bambam, Pinki Kumari, Chanda Devi, Bijli Devi, Ruby Devi and Munni devi. Therefore name of defendant Veena devi should be deleted and name of legal heirs should be added. In view of the facts and circumstances there is no delay in filing petition. Learned counsel on behalf of the defendant has not filed rejoinder yet.

Heard the plaintiff, and gone through materials available on the case record. It transpires that petition of plaintiff is supported with affidavit. And there is no delay in filing this substitution petition. Defendant has not filed rejoinder of this petition yet. It also transpires that it is right to sue survives between the parties.

Hence, in interest of justice petition of plaintiff dated 23.12.2021 is hereby allowed. Plaintiff is directed to substitute

the name of legal heirs mentioned in the petition in place of Defendant no. 1. The plaintiff is directed to serve the notice on the substituted defendant after the substitution.

Put up on 18.05.2023 appearance of substituted defendant.

Dictated