

**In the Court of Sub-Judge-I,
Madhubani
Title Suit No. 31 of 2007/C.I.S. No. 1491 of 2014
Mahanth Makeswar Bhagat Vs. Mahesh Mishra And Ors.**

ORDER

16.12.2019 Case record is put up for order. Attendance has been filed on behalf of plaintiff and defendants through their learned counsel.

A substitution petition under O 22 R 4 C.P.C. along with affidavit has been filed on behalf of plaintiff on dated 21.08.2019.

Learned lawyer for the plaintiff has submitted that in the instant suit defendant no. 14 Laxman Mishra died on dated 12.08.2019 leaving behind his wife namely Shanti Devi, one son namely Bishwas Mishra and one daughter namely Mira Devi. It is, therefore, prayed that the legal heirs of deceased defendant no. 14 may be substituted. On this basis he prayed that the petition dated 21.08.2019 be allowed.

A rejoinder has been filed on behalf of defendants in which they stated that the petition filed by the plaintiff is not maintainable and fit to be rejected. It is further submitted that deceased defendant no. 14 died on dated 11.08.2019, rather, he did not die on dated 12.08.2019 which is evident from death certificate of the deceased.

Perused the case record and death certificate of the deceased defendant no. 14, from perusal of the same it transpires that defendant no. 14 Laxman Mishra died on dated 11.08.2019. From perusal of the case record it also transpires that present petition is filed within time and supported by an affidavit. Therefore, in the interest of justice the above mentioned petition is hereby allowed. Learned counsel for the plaintiff is directed to substitute the name of legal representative of the deceased defendant no. 14 as prayed for in the petition.

Case is fixed on 14.01.2020 for further proceedings.

Dictated

Rakesh Kumar Tiwari
Sub-Judge-I, Madhubani