

**In the Court of Sub Judge I  
Madhubani  
P.S. 354/2017& C.I.S. 152/2017  
Subodh Kumar Yadav v/s Parmeshwar Yadav**

**ORDER**

08-11-2019 Today date is fixed for order. Attendance has been filed on behalf of plaintiffs and defendant though their learned counsels.

A petition u/o 22 r 3(1) C.P.C. alongwith an affidavit has been filed on behalf of plaintiff no 2 on 27-09-2018.

Learned lawyer for the plaintiff no 2 has submitted that in instant suit plaintiff no. 1 Subodh Kumar Yadav died on 27.08.2018 leaving behind his widow who is plaintiff no 2 in the present suit .It is therefore prayed that the entry about the death of plaintiff no 1 be entered in the plaint . On this basis he prays that the petition dated 27.09.2018 be allowed.

Defendant filed his rejoinder on 17.08.2019 under which he submitted that petition filed by plaintiff is not maintainable, so that it may be rejected.

Perused the case record, from perusal of the record , it transpires that as per petition filed by plaintiff no 2 that plaintiff no 1 died on 27.08.2018 but from perusal of the plaint it transpires that Plaintiff no 1 is unsound mind and he represented by his wife in the suit who is the plaintiff no 2. Under this circumstance, plaintiff no 2 is directed to file death certificate of plaintiff no 1 and an affidavit that whether plaintiff no 1 had any issue or not and after that order will be passed.

Case is fixed on 13.12.2019 for further proceedings.

(Typed & Corrected by me)

Rakesh Kumar Tiwari

Sub judgeI,Madhubani