

**Court of Additional District & Sessions Judge IV, Siwan**

**Title Appeal no. 16 of 2011**

( Registration no. 943 of 2013 )

22-07-2022 -

Attendance filed on behalf of the appellants and respondents . The learned counsel of the legal heirs of the deceased appellant no. 1 Sheikh Muhammad Shafique press petition dated 25-06-2019 under Order – 22 rule – 3 of CPC stating that the appellant no. 1 Sheikh Muhammad Shafique died on 05-06-2019 leaving behind his widow , four sons and a daughter as his legal representatives out of which widow of the deceased is respondent no. 17 , three sons of the deceased are appellant no. 2 and respondent no. 24 and 25 and the remaining legal representatives i.e. one son and a daughter has filed the impugned petition to be substituted in place of the deceased appellant no. 1 . He submits that the appellant no. 1 died on 05-06-2019 and the impugned petition has been filed on 25-06-2019 witch is within the statutory period and prays for substitution of them as appellants in the appeal .

The learned counsel of the respondents appears and submits that the said remaining legal representatives of the deceased have pressed their impugned petition after three years and as such they have got the intention to delay the hearing of the appeal .

Heard the learned counsel of the parties and perused the record which transpires that the appellant no. 1 Sheikh Md. Shafique died on 05-06-2019 leaving behind his widow , four sons and a daughter . The widow of the deceased namely Bibi Taseehan is respondent no. 17 and the deceased three sons namely Shamsul Alam , Noor Alam and Zaid Ali are appellant no. 2 , respondent no. 24 and respondent no. 25 respectively in the appeal . The remaining son and daughter namely Faiz Alai and Shahnaz Khatoon respectively have filed the impugned petition for their substitution . The petitioners have also filed their vakalatanama and the impugned petition is supported with an affidavit . The petition has been filed within time and as such in the interest of justice the impugned petition dated 25-06-2019 filed by Md. Faiz Ali and Shahnaz Khatoon for their substitution in place of their father appellant no. 1 is allowed and the office is directed to comply the said direction .

The appellants to take step for issuing notice to the substituted respondents through Nazarat as well as through registered post .

Put up on 05-08-2022 for compliance of order and issuing of notice .

ADJ IV  
Siwan