

In the Court of Addl. Sessions Judge- I
Vaishali at Hajipur,
Title Appeal No. 54/1996

21.11.2022 Attendance of Subodh Kumar has been filed on behalf of appellant and attendance of Ajit Kumar Chaudhary has been filed on behalf of the respondent.

From perusal of the case record it transpires that vide Civil Miscellaneous Jurisdiction no. 743/2016, dated 08.12.2017 the Hon'ble Court was pleased to set aside the order dated 17.06.2016 passed in Title Appeal no. 54 of 1996 and the petitioners namely Raj Kishore Thakur, Awdhesh Thakur both Sons of Late Bhavishan Thakur, R/o- Mani Bhakurahar, PS- Sarai, District- Vaishali were allowed to contest the appeal. Unfortunately neither the petitioners in the Hon'ble Court nor the court itself took any step to incorporate the petitioners in the Memo of appeal. Consequently till today they have not been made parties in the appeal. The O.C is directed to incorporate the names of the petitioners stated above in the column of appellants and issue notice upon them.

Another petition has been filed on behalf of appellant Maheshwar Thakur that respondent no. 2 and 3 namely Makhu Rai and Lal Bahadur Rai, Sons of Jagdhari Rai have died during pendency of the appeal. They have not contested the suit in the learned court below nor there contested the appeal. Even respondent no. 2 and 3 have not filed written statement in the lower court now have filed any objection before this learned court hence in the ends of justice the appellant may be exempted from the necessity of substituting the legal heirs of respondent no. 2 and 3.

The petition of the appellant is supported by affidavit and the application bears no

objection from the lawyer of the contesting respondent. Accordingly, the appellant is exempted from the necessity of substituting the legal heirs of respondent no. 2 and 3 under order 22 rule(4) of CPC.

Put up this on 18.01.2023 for deleting the names of respondent no. 2 and 3 and for issuance of notice to incorporated appellants as per order of the Hon'ble Court.

Addl. Sessions Judge-I
Vaishali at Hajipur.
21.11.2022