

In the Court of Additional District Judge-VI

Vaishali at Hajipur

Title Appeal :- 01/1996

06.12.2019

An application had been filed for the substitution of the parties on behalf of the appellant on 29-08-2014 wherein it was prayed that respondent no. 3 Tapsi Chaudhary and respondent no. 6 Baldeo Chaudhary died and their legal heirs required to be substituted in his place. Further respondent no. 7 Bichhia Chaudharain had also died and his legal heirs had already been a party in this title appeal, and her name is required to be deleted from the cause title of the memo of appeal. Further respondent no. 8 Girija Devi died issueless whose name is required to be deleted from the memo of parties. Further respondent no. 10 Binda Devi also died and her legal heirs need to be substituted in her place. It was prayed by the appellant that he had no knowledge about their death, due to which the name of the deceased could not be deleted and their legal heirs could not be get substituted.

The learned counsel for the respondent has submitted that the name of the respondent whose name is to be substituted and the name of their legal heirs who is to be added in the memo of parties as mentioned in the substitution petition were already known to the appellant. However, they have not get them substituted as well as lot of delay has been made in filing the present substitution application which was deliberate on their part and if the same be allowed then only subject to the deposition of heavy cost.

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Heard the learned counsel for the applicant as well as the respondent and perused the record of the case respondent no. 3 Tapsi Chaudhary, respondent no. 6 Baldeo Chaudhary, respondent no. 7 Bichhia Chaudharain, respondent no. 8 Girija Devi and respondent no. 10 Binda Devi had also died. Their name be deleted from the memo of the parties and in place their legal hires be substituted as mention in the schedule of the substitutions petition in their place and be added the memo parties. The present substitution petition is being allotted with a subject to the deposition of the cost of rupees two thousand and the appellant is directed to substitute the petitioner within 15 days from the receiving of this order.

Put up on for further proceedings.

Dictated

**Addl. District Judge-VI
Vaishali at Hajipur**