

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 305 of 2024

Srimati Rama Devi			Petitioner
	Versus		
Sushma Devi & Ors.	...		Opposite Parties

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Petitioner	: Mr. Abhishek Kumar Dubey, Advocate
For the Opposite Parties	: Mr. Anil Kr. Sinha, Advocate

Order No. 11 / Dated : 14.11.2025.

I.A. No. 14963 of 2025

Heard learned counsel for the petitioner in this interlocutory application which has been filed under Order I Rule 10 read with Section 151 of the CPC for substitution of legal heirs of the deceased defendant no. 1 in the instant civil miscellaneous petition in place of opposite party no. 7, who died during the pendency of the present civil miscellaneous petition, leaving behind her legal heirs as detailed in paragraph-9 of the interlocutory application.

Petitioner is the defendant no. 2 in Title Suit No. 137 of 2003 which has been filed for specific performance of contract and also declaring the sale deed executed by defendant no. 1 in favour of the defendant no. 2 to be null and void.

During the pendency of the suit, petitioner moved the learned trial Court for appointment of an expert to examine the signature of defendant no. 1 on purported agreement to sale in favour of the plaintiff. The said petition was rejected and consequently, the instant civil miscellaneous petition has been filed.

During the pendency of the instant civil miscellaneous petition, the defendant no. 1 died and has been substituted before the learned trial Court.

Since at the time of filing of instant civil miscellaneous petition, the defendant no. 1 had already died and no informatory petition was filed in this regard, therefore, I.A. No. 14963 of 2025 has been filed.

It is submitted by the learned counsel for the petitioner that the heirs and descendants of defendant no. 1 are necessary party and therefore, their impleadment in the instant petition is necessary for the ends of justice.

Learned counsel on behalf of the opposite parties has raised no serious objection.

Considering the grounds taken, I.A. No. 14963 of 2025 is allowed.

Let the name of substituted legal heirs as detailed in para-9 be substituted in place of opposite party no. 7 in the cause title of the civil miscellaneous petition by the office.

C.M.P. No.305 of 2024

Learned counsel appearing for the petitioner is directed to serve notice upon the substituted legal heirs through the pleader representing the opposite parties before the Court below under Order III Rule 5 read with Order 41 Rule 14 of C.P.C. for which, requisites etc., under ordinary process must be filed within a week of the order.

The learned Court below to send the service report to this Court within three weeks.

List this case after three weeks.

(Gautam Kumar Choudhary, J.)

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