

Court No. - 21

Case :- WRIT - B No. - 38383 of 2015

Petitioner :- Mukhram

Respondent :- Dy. Director Of Consolidation Mau And Anr.

Counsel for Petitioner :- Ajay Kumar Srivastava, Ajay Kumar Srivastava, Anand Priya Singh, Brajesh Kumar Singh, Ramesh Chandra Singh

Counsel for Respondent :- C.S.C., Brijesh Kumar Singh, Manoj Kumar Singh, R.P. Dubey, Rajnarayn Singh Yadav

Hon'ble Dinesh Pathak, J.

Inre:- Civil Misc. Substitution Application No.41174 of 2017

Heard Sri Narain Dutt Shukla, assisting counsel to Sri R. C. Singh (Senior Counsl) for petitioner, Sri Brijesh Kumar Singh, learned counsel for the respondent no.2, learned Standing Counsel, represents respondent no.1 and perused the record.

Instant substitution application has been filed due to death of sole petitioner namely Mukhram.

Counsel for the petitioner submits that in the present substitution application name of all the heirs and legal representatives of sole petitioner could not be brought on record, therefore, present substitution application may be dismissed as withdrawn. It is further submitted that, subsequently, another substitution application has been filed, bringing all the heirs and legal representatives of sole petitioner namely Mukhram, on record, with an averment, as made in paragraph no.6 of the affidavit, that petitioner has been advised to withdraw the earlier substitution application.

Counsel for the respondent no.2 has no objection to the prayer made by learned counsel for the petitioner.

Accordingly, present substitution application is dismissed as withdrawn with liberty to file afresh substitution application

bringing all the heirs and legal representatives of the deceased, on record.

Apposite to note that heirs and legal representatives of deceased sole petitioner have already filed substitution application, as mentioned above.

Inre:-Civil Misc. Delay Condonation Application No.6 of 2018

Inre:- Civil Misc. Substitution Application No.7 of 2018

Cause of delay in filing the substitution application, as shown in the affidavit filed in support of the delay condonation application is sufficient.

Learned counsel for the respondent no.2 has no objection on the aforesaid delay condonation application.

Accordingly, delay condonation application is allowed.

In substitution application it is averred that sole petitioner has died on 12.11.2016 leaving behind him his four sons namely Vinod Singh, Pramod Singh, Ajay Singh and Sanjay Singh, as mentioned in paragraph no.1 of the substitution application.

Learned counsel for the respondent no.2 has no objection on the names of the heirs and legal representatives, as mentioned in paragraph no.1 of the substitution application.

Accordingly, substitution application is allowed.

Office is directed to substitute the heirs and legal representative of deceased sole petitioner in the array of the parties as petitioner nos.1/1 to 1/4, respectively, as mentioned in the

prayer of the substitution application.

Inre:- Civil Misc. Substitution Application No.9 of 2019

Instant substitution application has been filed due to death of Vinod Singh, proposed petitioner no.1/1, who is one of the heir and legal representative of sole petitioner namely Mukhram, whose substitution application has been allowed by the order passed today.

It is averred that petitioner no.1/1 has died on 30.01.2019 leaving behind him his wife naemly Anita Singh, and two sons namely Ramji Singh and Arjun Singh, as mentioned in paragraph no.4 of the affidavit filed in support of substitution application and same are proposed to be substituted as petitioner nos. 1/1/1, 1/1/2 and 1/1/3.

Counsel for the respondent no.2 has no objection to the aforesaid substitution application.

Accordingly, present substitution application is allowed.

Office is directed to substitute the heirs and legal representative of deceased petitioner no.1/1, in the array of the parties as petitioner nos. 1/1/1, 1/1/2 and 1/1/3, respectively, as mentioned in paragraph no.4 of the affidavit filed in support of substitution application

Order Date :- 24.8.2021
VKG