

**Court No. - 51**

**Case :-** CIVIL REVISION No. - 92 of 2024

**Revisionist :-** Bhagwan Shri Ramchandra Ji Maharaj And 8 Others

**Opposite Party :-** Rajesh Narayan Singh And 4 Others

**Counsel for Revisionist :-** Abhay Mishra

**Counsel for Opposite Party :-** Divakar Rai Sharma

**Hon'ble Neeraj Tiwari,J.**

1. Heard learned counsel for the revisionists and Sri Divakar Rai Sharma, learned counsel for the opposite party no.1.

2. Learned counsel for the revisionists submitted that earlier Suit No.1 of 2022 has been filed by the plaintiff no.2 in the capacity of life member under Section 92 of CPC. During the pendency of suit, plaintiff no.2 died. After his death, his son, namely Abhishek Singh has moved an application under Order 22 Rule 3 of CPC for substituting him. He firmly submitted that suit was filed by life member and his son Abhishek Singh is not a life member, therefore, he may not be substituted in terms of Section 92 read with Order 22 Rule 3 of CPC in place of plaintiff no.2, therefore, order is bad and liable to be set aside.

Sri Divakar Rai Sharma, learned counsel for the opposite party no.1 vehemently opposed, but could not dispute this fact that Abhishek Singh is not a life member.

Matter requires consideration.

Issue notice to respondent nos.2/1, 3 & 4 returnable within six weeks. Steps be taken within one week.

List this case on 21.8.2024.

In the meantime, respondents may file counter affidavit.

Until further order of this Court, impugned order dated 1.3.2024 passed by Additional District Judge, Court No.2, Moradabad shall remain stayed.

**Order Date :-** 3.7.2024

Junaid