

(2001) 07 JH CK 0010
In the Jharkhand High Court
Case No : Civil Revision No. 458 of 1999 (R)

Noor Mohammad and Others	Vs	APPELLANT
Panchu Mian (now deceased) and Others		RESPONDENT

Date of Decision : 18-07-2001

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 22 Rule 4

Citation : (2002) 1 CCC 45401 : (2001) 1 JLJR(Jhar) 417

Hon'ble Judges : Gurusharan Sharma, J

Bench : Single Bench

Advocate : R. Prasad, for the Appellant; S.K. Ugghai, for the Respondent

Final Decision : Dismissed

Judgement

Gurusharan Sharma, J.—During pendency of Title Suit No. 159 of 1996. Ibrahim Mian, Plaintiff No. 1, died some time in the year 1997, leaving behind four daughters. Step for substitution was not taken under the impression that deceased plaintiff No. 1 was being represented by his nephews, who were already on record, and that the four daughters were not required to be substituted since they were married and had relinquished their interest in the suit property, under the customary law.

2. On 24.5.1998, defendants filed a petition to hold that the suit has already abated. A rejoinder thereto was filed by the plaintiffs on 7.8.1998 and thereafter a regular petition for substitution alongwith another petition for condonation of delay was filed.

3. By impugned order dated 3.8.1999, trial Court was pleased to condone the delay and allow the substitution petition. Name of deceased Plaintiff No. 1 was deleted and in his place his four daughters were ordered to be substituted.

4. I find no reason to interfere with the impugned order. This Revision application is, accordingly, dismissed. Let the lower Court records be sent down to the Court below immediately.

5. Revision dismissed.