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**(2009) 04 AHC CK 0321**

**In the Allahabad High Court**

**Case No :** Civil Miscellaneous Writ Petition No. 38507 of 2002

Subhash Chandra

APPELLANT

Vs

Nand Kishor and another

RESPONDENT

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**Date of Decision :** 01-04-2009

**Acts Referred:**

**Citation :** (2009) 04 AHC CK 0321

**Hon'ble Judges :** Prakash Krishna, J

**Final Decision :** Allowed

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## **Judgement**

Prakash Krishna, J.—Heard learned Counsel for the parties and perused the record. The present writ petition is directed against the order dated 13.3.2002 passed by the Third Additional Civil Judge (Senior Division), Ghaziabad in P.A. Case No, . 7 of 2001 whereby the said authority has rejected the substitution application filed by the petitioners for substitution of their names in place of Satish Chandra (deceased). The application was filed inter alia on the plea that Satish Chandra (deceased) was the tenant who had died and they are heirs and legal representatives of the deceased tenant. The application was dismissed by the Prescribed Authority on the ground that there is no material on record to show that Subhash Chandra was the tenant.

2. Shri D.C. Mathur, the learned Counsel appearing on behalf of the contesting respondent No.1, submits that he has no objection if the said application is allowed. He submits that on account of the pendency of the present writ petition, the proceedings of P.A. Case No. 7 of 2001 are held up. In view of the stand taken by the learned Counsel for the respondent, the writ petition succeeds and is allowed and the order dated 13.3.2002 is hereby set aside. It is ordered that in place of Satish Chandra (deceased), name of his heirs and legal representatives as mentioned in the application No. 13C be substituted. The heirs so substituted may file their objection/written statement, if any, within a period of three weeks from today. The sole petitioner Subhash Chandra has also died and the substitution application has been allowed today by a separate order. Let

the heirs of Subhash Chandra (deceased) may also be substituted in the proceeding before the Prescribed Authority they may also, if so advised, file objection/counter affidavit to the release application within the aforestated period of three weeks.

3. Since the matter is old one, the Prescribed Authority is hereby directed to decide the said case preferably within a period of six months.