

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10561 of 2014

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Bijay Kumar Sah Son of Late Tanoki Sah Resident of Mohalla- Mirchaibari, P.S-
Katihar, District- Katihar.

.... Petitioner/s

Versus

1. Monalisha Choudhary Wife of Santosh Kumar Choudhary Resident of Mohalla-
Sultanpokhar, Forbesganj, P.S- Forbesganj, District- Araria.
2. Kamkakhya Narayan Singh.
3. Vijoy Sharma.
4. Somnath Sharma.
5. Santosh Sharma.
6. Meena Singh All Sons of daughter of Late Akhilanand Sharma and Late Gayatri
Devi All resident of RZ 27F Street No. 24, Indra Park Palam Colony, New
Delhi- 110045
7. Pradip Kumar Sah Son of Bijay Kumar Sah Resident of Mohalla- Mirchaibari,
P.S- Katihar, District- Katihar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sushmita Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 19-01-2015

Heard Mrs. Sushmita Mishra, the learned counsel
appearing on behalf of the petitioner.

The present writ application under Article 227 of the
Constitution of India has been filed by the defendant 1st set in T.S. No.
159 of 2006 for a direction to the court below to dispose of the
petition dated 26.09.2013 filed by the present petitioner raising

objection to the acceptance of the written statement filed in the suit by the defendant 2nd set. It has, however, been submitted by the learned counsel for the petitioner that the written statement filed by the defendant 2nd set has now been accepted. It is admitted position that the plaintiff has not objected to the acceptance of the written statement of the defendant 2nd set.

The learned counsel for the petitioner has submitted that the written statement which has been filed does not carry the verification as well as the authorization of the person. However, the learned counsel for the petitioner could not satisfy the court that the defects, as pointed out, are nothing more than mere irregularity not going to the root of the matter.

After considering the submissions and the facts and circumstances of the case, it is limpid that the suit has been filed in the year 2006. The defendant-petitioner, instead of cooperating with the early hearing and disposal of the suit, has raised technical objection to the written statement filed by the defendant 2nd set. This Court is not inclined to grant the relief as prayed. The writ application is disposed of with direction to the learned court below to expedite the hearing of the suit in accordance with law. The petitioner, however, shall have liberty to raise legal objection to the defects in the written statement of the defendant 2nd set which shall be considered and disposed of by

the learned court below in accordance with law.

With the aforesaid observations and directions, this writ application is, accordingly, disposed of.

Devendra/-

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(V. Nath, J)