

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8938 of 2012

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1. Sri Charan Rai son of late Munsai Rai
 2. Tetar Rai, son of Sri Charan Rai
 3. Premdhar Rai son of Sri Charan Rai
 4. Yogendra Rai son of Sri Charan Rai, all residents of Village-Habaspur Dera, PS-Akilpur, PO.Ganghara, Distt-Patna.

.... Petitioner/s

Versus

Lakhi Ram Rai @ Lakh Ram Rai son of Late Parsan Rai, resident of Village-Habaspur Dera, PS-Akilpur, PO.Ganghara, Distt-Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Neeraj Kumar, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 26-11-2015

Heard learned counsel for the petitioner.

Ordinarily, the adversary is to be noticed. However, taking into account the averment made under paragraph-7 of Annexure-2, an objection filed by the plaintiff over the prayer made by the petitioner/defendant to accept WS after recalling the order by which he has been disentitled, need not warrant such exercise as the plaintiff had stuck over payment of cost.

Thus, the order impugned is set aside. Petition is allowed.

The learned lower court is directed to accept the WS at the cost of Rs. 5000/- to be paid by the petitioner to the plaintiff within four weeks.

(Aditya Kumar Trivedi, J)

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