

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10999 of 2012

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Madhav Choudhary Son Late Rijhan Choudhary Resident Of Rewasi, Tola -
Laxmipur, P.S. - Riga, District – Sitamarhi. At present resident of
Madhopur Raushan Vissa, P.S.-Dumra, P.O.-Amghatta, District-Sitamarhi.

.... Petitioner/s

Versus

Brahmdeo Rai Son Of Sri Bela Rai Resident Of Village - Madhopur
Rushan, P.S.- Sumra, Post Amghatia, District - Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.
Mr. Pramod Kumar Verma, Adv.
For the Respondent/s : Mr. Pushpendra Kumar Singh, Adv.
Smt. Dibya Bharti, Adv.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

6 26-11-2015 Heard learned counsel for the petitioner as well as
learned counsel for the respondent.

Some sort of negligence having at the part of
petitioner/defendant has been perceived by this Court vide order
dated 23.07.2012. However, in the interest of justice, the aforesaid
laches have been found to be subject to ignorance in case payment
of cost is acceded with at the end of petitioner which, as has been
submitted by the learned counsel for the petitioner, concedes.
Learned counsel for the respondent submits that from the order
impugned it is apparent that apart from laches on the part of the
petitioner/defendant, the cost having inflicted by the learned lower
court at different occasions have also not been paid.

Considering the rival submission, the order impugned is set aside subject to payment of cost of Rs.10,000/-. Petition is allowed in terms thereof.

(Aditya Kumar Trivedi, J)

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