

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16777 of 2011

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Bachicha Lal @ Backcha Lal Prasad

.... Petitioner/s

Versus

Harish Chandra Lal @ Harish Ch

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Dikshit

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

13 06-11-2015 Heard the learned counsel for the petitioner and the learned
counsel for the opposite party.

This application under Article 227 of the Constitution of India has been filed by the petitioner challenging the order dated 08.03.2007 passed by the learned Sub Judge IIrd, Gopalganj in Title Suit No.284 of 2001 whereby the Court below allowed the application filed by the respondents under Section 4 (C) of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 and abated the suit.

The learned counsel for the petitioner raised a short ground and submitted that no doubt copy of the application was served on the petitioners but the learned Court below only heard the respondent and passed the impugned order dated 08.03.2007 without giving any opportunity to the petitioners.

From perusal of the impugned order dated 08.03.2007, it is clear that the order has been passed which is cryptic order and that no opportunity was granted to the petitioner. On this scope alone, the impugned order is set aside and the matter is remanded back to the Court below with a direction that the Court below shall pass a fresh order, if at all the said application is pressed, within three months after hearing both the parties.

(Mungeshwar Sahoo, J)

Sanjeev/-

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