

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13229 of 2014

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Birendra Choudhary son of Late Surya Narayan Choudhary resident of
Village - Pachvir P.S. - Sahebpur Kamal, Sub-Division Begusarai, at
present Sub-Division Ballia, District - Begusarai.

.... Petitioner/s

Versus

1. Manorma Devi wife of Late Rajendra Choudhary @ Radhey Choudhary (Bachchu Choudhary)
2. Pankaj Choudhary Son of Late Rajendra Choudhary Both residents of village - Pachvir, P.S. - Sahebpur Kamal, Sub-Division - Begusarai, at present Sub-Division - Ballia, District - Begusarai.
3. Parhalad Choudhary Son of Ram Prakash Choudhary
4. Naresh Choudhary
5. Rajesh Kumar
6. Umesh Choudhary
7. Sunil Choudhary All are minor sons of Prahalad Choudhary under the guardianship of their father Prahalad Choudhary
8. Ram Kumar Teberiwai son of Laddu Ram Taberiwal (Decd) All residents of Village - Pachvir P.S. - Sahebpur Kamal, Sub-Division - Begusarai, at present Sub-Division - Ballia, District - Begusarai.
9. Nand Kumar Tebriwal.
10. Arun Kumar Tebriwal.
11. Ashok Kumar Tebriwal.
12. Dilip Kumar Tebriwal All sons of Ram Kumar Teberiwai
13. Sumitra Devi wife of Ram Parichha Choudhary (Decd) resident of Village - Bariarpur, P.S. - Bariarpur, Sub-Division and District - Munger.
14. Vijay Choudhary.
15. Chunchun Choudhary. Both minor sons of Suraj Narain Choudhary, under guardianship of their father Suraj Narain Choudhary
16. Bimla Devi wife of Sita Ram Choudhary All residents of Village - Pachvir P.S. - Sahebpur Kamal, Sub-Division - Begusarai, at present Sub-Division - Ballia, District - Begusarai at present residing at Sonbarsa Raj, P.S. - Sonbarsa Raj, District - Saharsa.

17. Lalita Devi wife of Dinesh Choduhary resident of village - Bihariganj, P.S. - Bihariganj, District - Madhepura, at present residing at Sonbarsa Raj, P.S. - Sonbarsa Raj, District - Saharsa.

18. Guddu Kumar Son of Late Suraj Narayan Choudhary Resident of Village - Pachvir P.S. - Sahebpur Kamal, Sub-Division - Begusarai, at present Sub-Division - Ballia, District - Begusarai.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Amresh Kr. Verma

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL ORDER

2 05-11-2015

Heard the learned counsel for the petitioner.

By the impugned order the learned court below has allowed the prayer of the defendant-respondents for recall the order for proceeding ex parte in the suit and has allowed them to participate in the proceeding after imposing cost upon them.

The learned counsel for the plaintiff-petitioner has submitted that the prayer by the defendant-respondents has been made belatedly and therefore the same ought to have been rejected by the court.

After considering the facts and circumstances of the case and submissions on behalf of the petitioner, this Court does not find any illegality or error of jurisdiction in the impugned order whereby the learned court below has exercised its discretion

in allowing the prayer on behalf of the defendant-petitioner
permitting them to participate in the suit.

The writ application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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