

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2538 of 2015

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1. Krishna Devi wife of Lal Kishore Rai resident of village- Marwapakar, P.s- Saraiya, District- Muzaffarpur.
2. Rina Devi wife of Shravan Rai resident of village- Sain Prawara, P.S- Vaishali, District- Vaishali.
3. Renu Devi Wife of Ram Pravesh Rai resident of village- Mohanpur, P.S- Goraul, District- Vaishali.

Defendant/ Petitioners.

Versus

1. Rajendra Rai son of Ram Lagan Rai resident of village-Kaila Mohan , P.S- Goraul, District- Vaishali. **-Plaintiff /Respondent 1st set.**
2. Shivajee Rai Son of Ram Legan Rai
3. Smt. Siya Devi wife of Shivajee Rai Both resident of village- Kaila Mohan, P.S- Goraul, District- Vaishali **-Defendant/Respondent 2nd Set.**

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Appearance :

For the Petitioner/s : Mr. Ganesh Prasad Singh
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 16-02-2015

Heard the learned counsel for the parties.

The present application under Article 227 of the Constitution of India has been filed by the petitioners against the order whereby the court has rejected the prayer of the petitioner to file written statement in the suit.

From the impugned order it appears that the suit is of the year 1978 and the present petitioners who are defendant no.1 (C, D, E, F and G) have filed the petition for permission to file their written statement. The learned court below has come to the finding that these defendants-petitioners had prior knowledge of the suit and the prayer for filing the written statement has been made at the stage when the argument of the

plaintiff has been completed and the defendants’ argument is about to be concluded, only to delay the disposal of the suit.

After considering the facts and circumstances and the submissions on behalf of the petitioners, this Court is not inclined to interfere in the impugned order.

The present writ application is dismissed with liberty to the petitioners to raise their objections at appropriate stage, if so advised.

(V. Nath, J)

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