

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15052 of 2012

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Smt. Rekha Devi W/O Ashok Paswan, resident of village- Amgachhi, P.S.-
Sikty, District- Araria

.... Petitioner

Versus

1. Lukhni Devi W/O Shree Ramjee Sardar, resident of village- Dahi Poura Majrakh, P.S.- Sikty, District- Araria
2. Gayatri Devi W/O Kundan Paswan, resident of village- Dithora, P.S.- Sikty, District- Araria
3. Kala Devi W/O Sita Ram Paswan, resident of village- Pirganj, P.S.- Sikty, District- Araria
4. Aruna Devi W/O Undeshwar Paswan, resident of village- Bouka Majrakh, P.S.- Sikty, District- Araria
5. Anita Devi W/O Raj Kishore Paswan, resident of village-Kuan Pokhar, P.S.- Sikty, District- Araria
6. Aasha Devi W/O Mangal Ram, resident of village-Kuan Pokhar, P.S.- Sikty, District- Araria
7. Chandani Devi W/O Narayan Sardar, resident of village-Kuan Pokhar, P.S.- Sikty, District- Araria
8. Punam Devi W/O Arun Kumar Ram, resident of village-Kuan Pokhar, P.S.- Sikty, District- Araria
9. Charanjit Singh S/O Late Sardar Indrajit Singh, resident of Mohalla-Jogsar, Burha Nath Road, P.S.- Kotwali, District- Bhagalpur

.... Respondents

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 11-12-2015 Heard learned counsel for the petitioner.

Because of the fact that Election Case No.11 of 2011 was dismissed on account of non appearance of the petitioner due to which requisites, as directed earlier, could not be filed and for recalling the aforesaid order dated 11.1.2012, Misc. Case No.8 of 2012 was filed wherein applicant had produced witness in support of such plea and further, absence was on account of jaundice but the learned lower court had disbelieved the same for want of

prescription as a result of which vide order dated 19.6.2012, the order impugned, Misc. Case No.8 of 2012 was dismissed.

As there was no presence of the respondent before the learned lower court, on account thereof their appearance also not felt necessary at the present stage.

Taking into account the grounds so enumerated in the order impugned, it is evident that learned lower court has acted in harsh manner while disbelieving the un-rebutted statement of the applicant.

That being so, order impugned is set aside. The petition is allowed.

(Aditya Kumar Trivedi, J)

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