

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.801 of 2016**

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Md. Manjoor Alam & Anr

.... Appellant/s

Versus

Md. Aiyub & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sharda Nand Mishra

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 04-10-2016

Heard learned counsel for the petitioner.

Perused the impugned order dated 26.04.2016 passed by the Munsiff Sadar, Purnea in Title Suit No. 24 of 2013 whereby learned court below recalled the order debarring the defendant from filing the written statement on payment of cost of Rs. 1,000/-.

From perusal of the impugned order it appears that the defendants appeared in the suit on 05.06.2014 and on the same day written statement was filed. Prior to that, they were debarred from filing the written statement by the terms of order dated 16.11.2013. Considering all these aspect of the matter, and the delay explained by the defendants, the court below recalled the order and directed the defendants to pay Rs. 1,000/- cost.

In my opinion, there is no jurisdictional error and also that there is no inordinate delay in filing the written statement

as on the date of appearance, the written statement was filed.

Thus, this Civil Miscellaneous Application is dismissed.

(Mungeshwar Sahoo, J)

siddharth/-

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