

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1408 of 2016

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Alok Raj @ Bittu Kumar & Anr

.... Appellant/s

Versus

Mahendera Prasad Yadav & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Surendra Kumar Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 20-12-2016 Heard the learned counsel, Mr. Sudama Singh, for the petitioner.

Perused the impugned order dated 06.08.2016 passed by the learned Sub Judge IV, Munger in Title Suit No.26 of 2000 whereby the learned Court below rejected the application filed by the petitioner for permission to file another written statement.

From perusal of the impugned order, it appears that the Court below considered various decisions of this High Court and came to the conclusion that only because the written statement earlier filed on behalf of the petitioner by the Advocate was junior to the Advocate appearing on behalf of the plaintiff-respondent, the petitioners cannot be permitted to file separate written statement as there cannot be any presumption that the written statement filed by the Advocate is in collusion with the plaintiff, particularly when the suit has been filed by the plaintiff



respondent for partition of the suit property and the father of the petitioners is contesting defendant in the suit who is habitually contesting the suit, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction.

Accordingly, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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