

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1301 of 2016**

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Hari Sahani & Ors

.... Appellant/s

Versus

Kishundeo Rai & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Kumar

For the Respondent/s : Mr.

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

2 14-12-2016 Heard learned counsel for the petitioners.

Perused the impugned order dated 07.09.2016 passed by learned Subordinate Judge-I, Motihari in Miscellaneous Case No.15 of 2015 whereby the learned court below set aside ex-parte judgment and decree holding that the defendant Arbind Singh died during the pendency of the suit but the legal representatives were not substituted and suit was decreed ex-parte.

In such view of the matter when the miscellaneous case under Order 9 Rule 13 CPC has been allowed and the suit has been restored to its original file, I am not inclined to interfere with the impugned order in exercise of supervisory jurisdiction under Article 227 of the Constitution of India. Thus, this civil miscellaneous application is dismissed.

Harish/-

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(Mungeshwar Sahoo, J)

