

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9132 of 2013

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1. Bishwanath Rai Son Of Late Gopal Rai Resident Of Village Bagahi Harakhapura P.O. + P.S. Taraiya, District Saran.

... Petitioner/s

Versus

1. Bunilal Rai Son Of Late Daroga Rai Resident Of Village Bhalua - Shankardih P.O. + P.S. Taraiyan District Saran
2. Piyar Chand Rai Son Of Late Daroga Rai Resident Of Village Bhalua - Shankardih P.O. + P.S. Taraiyan District Saran
3. Parvati Devi Daughter Of Late Daroga Rai Resident Of Village Bhalua - Shankardih P.O. + P.S. Taraiyan District Saran
4. Chandrika Rai Son Of Late Loha Rai Resident Of Village Bhalua - Shankardih P.O. + P.S. Taraiyan District Saran
5. Amir Rai Son Of Chandrika Rai Resident Of Village Bhalua - Shankardih P.O. + P.S. Taraiyan District Saran
6. Arjun Rai Son Of Chandrika Rai Resident Of Village Bhalua - Shankardih P.O. + P.S. Taraiyan District Saran
7. Sunil Rai Son Of Chandrika Rai Resident Of Village Bhalua - Shankardih P.O. + P.S. Taraiyan District Saran
8. Raju Rai Son Of Chandrika Rai Resident Of Village Bhalua - Shankardih P.O. + P.S. Taraiyan District Saran
9. Mahabir Rai Son Of Late Gopal Rai Resident Of Village Bagahi Harakhapura P.O. + P.S. Taraiyan District Saran
10. Chandrika Sahni Son Of Chaudhari Sahni Resident Of Village Bagahi Harakhapura P.O. + P.S. Taraiya, District Saran
11. Madan Rai Son Of Late Shiv Raut Resident Of Village Bagahi Harakhapura P.O. + P.S. Taraiya, District Saran
12. Binda Rai Son Of Late Shiv Raut Resident Of Village Bagahi Harakhapura P.O. + P.S. Taraiya, District Saran
13. Gauri Rai Son Of Late Shiv Raut Resident Of Village Bagahi Harakhapura P.O. + P.S. Taraiya, District Saran
14. Mishri Rai Son Of Late Shiv Raut Resident Of Village Bagahi Harakhapura P.O. + P.S. Taraiya, District Saran
15. Chandrakant Rai Son Of Late Shiv Raut Resident Of Village Bagahi Harakhapura P.O. + P.S. Taraiya, District Saran
16. Rajbali Rai Son Of Late Baishakhi Rai Resident Of Village Bagahi Harakhapura P.O. + P.S. Taraiya, District Saran
17. Shyam Lal Rai Son Of Late Jugul Rai Resident Of Village Bagahi Harakhapura P.O. + P.S. Taraiya, District Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kr. Mishra, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 20-06-2016

Heard learned counsel for the petitioner.

Petitioner is defendant whose presence before learned

lower court as per order impugned effected on 31.08.2005. As WS

has not been filed on his behalf within the stipulated period of 90 days, he has been debarred. He appeared after expiry of more than four years and prayed for acceptance of WS in the background of the fact that he had denied his presence on 31.08.2005 through *Vakalatnama*.

The learned lower court will see, if so prayed, on behalf of petitioner by having *Vakalatnama* examined by Forensic Science Laboratory, Patna within three weeks to identify whether petitioner's presence happens to be over *Vakalatnama* or not. In case, there happens to be interpolation, then in that event, petitioner will have an opportunity, but in case, his presence is found over *Vakalatnama*, then, petitioner will not be entitled to any kind of privilege.

Petitioner's presence before the learned lower court on that very score, must be within a fortnight.

With the aforesaid observation, the instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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