

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13439 of 2013

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The State Of Bihar Through Samaharta, Sitamarhi.

.... Petitioner/s

Versus

1. Sheikh Alim S/O Sheikh Nankiv R/O Vill. + P.O. + Anchal And Anumandal-Pupari, District- Sitamarhi.
2. Seikh Sabir S/O Late Ali Roza R/O Vill. P.O. + P.S. + Anchal + Anumandal-Pupari, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Fakhruddin Ali Ahmad, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 17-11-2016

Heard learned counsel for the petitioners.

By the impugned order, the learned court below has rejected the prayer of the petitioner for filing written statement.

Learned counsel for the petitioner, after some argument, has prayed for adjournment to file supplementary affidavit.

The present application has been pending since 2013 and, the mater relates to the suit filed in the year 2009. Therefore, this Court is not inclined to grant the prayer as made by learned counsel for the petitioner for adjourning the matter again, after grant of adjournment on 30.09.2016 on his prayer.

It further transpires from the order dated 06.08.2010 (Annexure-1) passed in the suit that the present petitioner filed a

petition on 01.07.2010 for seeking permission of the court for filing written statement. The said prayer was refused. It does not appear from the averments made in the petition that any step thereafter was taken on behalf of the petitioner either questioning the said order before superior forum or filing any petition for review or recall of the said order. However, the petitioner again filed another petition on 16.10.2012 before the learned court below praying for accepting the written statement filed on their behalf. The learned court below, after taking into notice the fact that the plaintiff has already examined three witnesses, has rejected the said petition.

In the aforesaid factual background, this Court is not inclined to interfere in the impugned order. The application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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