

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7257 of 2014

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Ram Shankar Sharma

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shailendra Kumar Dwivedi

For the Respondent/s : Mr. Gp21- Sanjay Pandey

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 17-02-2016

Heard learned counsel for the petitioner and learned
counsel for the State authorities.

From perusal of the impugned order, it appears that the
court below passed the order without hearing the petitioner and
rejected the intervener's application.

According to the learned counsel, if the application
was not pressed the court below should have dismissed the same
for default but could not have dismissed the same on merit.

The learned counsel for the State authorities submitted
that the court below may pass fresh order after hearing both the
parties but the time should be fixed for disposal of the application
filed by the intervener petitioner.

In view of the above facts that the order has been
passed by the court below without hearing the petitioner, I direct
that the court below shall pass a fresh order according to law after

hearing the parties on the application under Order 1 Rule 10 (2) CPC filed by the petitioner within reasonable period. If the intervener petitioner does not press the application, the court below shall dismiss it.

With this observation, this writ application is allowed and the impugned order dated 05.12.2013 is set aside. The matter is remanded back to the court below for fresh decision as indicated above.

(Mungeshwar Sahoo, J)

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