

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.137 of 2013

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Surendra Singh @ Surendra Singh kushwaha s/o Late Baleshwar Prasad residing at
Kushwaha Bhawan, East of Boring Canal Road, P.S. Budha colony, Dist. Patna.

.... Petitioner/s

Versus

1.Ram Nath Saha, s/o Late Dindayal Shaha, resident of Ramchandra Raman,
Advocate his younger brother's House as Tenant East of Boring Canal Road, P.S.
Budha Colony, District Patna.

(Petitioner in Misc. Case No. 25/95)

2.Mohan Lal Mehta, son of Late Baleswar Pd.

3.Smt. Rameshwari Devi, d/o Baleshwar Prasad.

4.Smt. Sundari Rani, d/o Baleshwar Prasad.

5.Kapildeo Prasad Mehta, s/o Late Baijnath Prasad.

6.Saligram Prasad s/o Late Baijnath Prasad.

7.Ramnath Prasad, s/o Late Baijnath Prasad.

8.Anita Singh d/o Late Baijnath Prasad.

9.Smt. Urmila Mehta, widow of Late Braj Mohanlal Mehta.

10.Rajiv Kumar Mehta.

11.Sanjiv Mehta

Both sons of Late Braj Mohan Lal Mehta.

12.Alka Rani.

13.Anjali.

14.Anamika.

All three daughters of Late Braj Mohan Lal Mehta.

Address C/o Sri Surendra Singh Kushwaha, residing at Kushwaha Bhawan, East
Boring Canal Road, P.s. Budha Colony, District Patna 800001.

....Performa-Plaintiff/Opposite Parties.

(Opposite Party in Misc. Case NO. 25/95)

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 05-05-2016

Heard learned counsel for the petitioner.

2. The present revision application has been filed against the order by which the prayer of the defendant, under Order IX Rule 13 C.P.C in the suit has been allowed and the ex parte decree has been set aside.

3. The plaintiff is the petitioner in this revision application. It has been submitted by the learned counsel for the petitioner that the defendant appeared in the suit but did not file his written statement and also left taking part in the proceeding of the suit. It has therefore, been submitted that the defendant had the knowledge of the suit and he deliberately omitted to appear in the suit.

4. From the perusal of the impugned order, it transpires that the learned court below has heard the parties and considered the



evidence adduced by the parties in the miscellaneous case instituted upon the petition filed by the defendant under Order IX Rule 13 C.P.C. The learned court below thereafter has come to the finding that the defendant has succeeded in establishing sufficient cause for his non appearance and participation in the proceeding of the suit. The findings have been recorded on the basis of the scrutiny of evidence and this Court does not find any error of jurisdiction or material irregularity in the impugned order.

5. This revision application is, accordingly, dismissed with a direction to the learned court below to expeditiously dispose of the money suit without granting unnecessary adjournment to the parties.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A
Uploading Date	20.06.2016
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