

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.85 of 2016

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Rakesh Kumar @ Rakesh Kumar Sah

.... Appellant/s

Versus

Nirmala Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dr. Manoj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 03-08-2016 Heard the learned counsel, Dr. Manoj Kumar, for the
petitioner.

Perused the impugned order dated 10.03.2016 passed by
Munsif IInd, Bhagalpur in Eviction Suit No.81 of 1983.

The eviction suit has been filed by the plaintiff respondent
in the year 1983. After issuance of summons, when the defendant
did not appear, the suit was fixed for ex.-parte hearing. Evidences
were adduced by the plaintiff and after argument, the case was
fixed for judgment and at this stage, the petitioner has appeared
and filed the application for setting aside the order ex.-parte. The
Court below considered all the aspects of the matter held that the
suit is of the year 1983 and the petitioner has filed this application
at this stage when the suit has been fixed for judgment only but
delay the disposal of the eviction suit.

In view of the above finding recorded by the Court below

and considering the nature of the suit, i.e., eviction suit, in my opinion, no case for interference in supervisory jurisdiction is made out.

Accordingly, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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