

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13570 of 2014

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Lakhan Yadav @ Ram Lakhan Yadav son of Late Ishwari Yadav resident of
village - Mahesh Dih, P.S. Akbarpur, Distt. - Nawada

.... Petitioner

Versus

1. Mostmat Shalijehan Khatoon wife of Late Md. Israil Ali
2. Nazrool Islam son of Late Md. Israil Ali
3. Ekwal Hussain son of Late Md. Israil Ali
4. Akbar Ali son of Late Md. Israil Ali
5. Guria Parveen D/o Late Md. Israil Ali
6. Ruskar Khatoon D/o Late Md. Israil Ali
7. Tabasbun Parveen D/o Late Md. Israil Ali Respondent No. 4, 6 and 7 are minor
under the natural guardianship of their mother Proson at Shasigahan Khatoon (Respondent No.1) All resident of village - Farha, P.S. Akbarpur, Distt. - Nawada

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Gauri Shankar Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 22-09-2016

Heard the learned counsel for the petitioner.

The present application under Article 227 of the Constitution of India has been filed against the order dated 25.06.2014 whereby the learned court below has rejected the petition filed by the present petitioner.

The facts of this case disclose that the motor vehicles claim case was filed in the year 2012 by the claimant. The said case was fixed for ex parte hearing as the opposite party-petitioner did not appear. Subsequently, however, on the prayer of the present petitioner, the direction for proceeding ex parte was recalled after imposing cost of

Rs.2,000/- on the petitioner with further direction to the petitioner to file written statement. The petitioner did not deposit the amount of cost nor file his written statement. Subsequently, however, the petitioner filed another petition for recall of the order by which the cost of Rs. 2,000/- was imposed. The learned court below, in the impugned order, has come to the finding that the tendency of the petitioner is only to linger the case and for the same purpose the petition was filed.

After considering the submissions and the facts and circumstances of the case, this Court is not inclined to invoke the jurisdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed with liberty to the petitioner to approach to the learned court below for review /recall of the order in accordance with law. If such petition is filed, the learned court below shall consider it in accordance with law without being prejudiced to this order.

(V. Nath, J)

Nitesh/-

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