

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8796 of 2015

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Ram Prasad Singh & Anr

.... Petitioner/s

Versus

Ram Lakhan Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yogendra Kumar Dwivedi

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

3 27-04-2016 Heard learned counsel for the petitioners and learned
counsel for the respondents.

The grievance of the petitioners is that the court below
without assigning any reason and without applying its judicial
mind rejected the application filed by the petitioners for recall of
ex-parte hearing order dated 28.11.2013.

Perused the order passed by the court below. It appears
that without recording any finding as to whether the petitioners
had the knowledge about the proceeding or not, only the court
below recorded that “from perusal of the record it appears that the
petitioners intentionally did not appear in the case and rejected the
application”.

In my opinion, the order passed is unreasoned order and
cannot be said to be judicial order. The order does not speak about
the application of judicial mind. Accordingly, the impugned order

is set aside. The matter is remanded back to the court below for passing fresh order according to law after hearing both the parties. Thus, this writ application is allowed.

(Mungeshwar Sahoo, J)

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