

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1986 of 2014

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Satya Narayan Sahu

.... Petitioner

Versus

Srimati Leela Devi and Ors.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

3 11-01-2016

Heard learned counsel for the petitioner.

The learned Court below by the order dated 27.04.2012 rejected the application filed by the petitioner for rejecting additional written statement. Subsequently, petitioner filed recall application which was also rejected on 18.09.2013 and thereafter, this application under Article 227 of Constitution of India has been filed challenging both the orders.

Perused the order passed by the Court below i.e. Sub-Judge-V, Begusaria, in Title Suit No. 134 of 1996.

The Court below found that originally the main contesting defendant i.e. father and husband of the other defendants had filed contesting written statement. The Court below also found that after the death of defendant no.2 who was father and husband of defendant no. 1 and 4. The plaintiff has got the plaint amended and thereafter the defendant no. 1 and 4 filed

additional written statement to the amended portion and therefore rejected the application filed by the petitioner.

In view of the above fact that the additional written statement has been filed against the amended portion of the plaint, there is no question of recall of the order whereby, the additional written statement was accepted arises.

Thus, this writ application has got no merit and accordingly, this writ application is dismissed. The Court below shall try his best to dispose of the suit which is of the year 1996 expeditiously.

(Mungeshwar Sahoo, J.)

M.S. KHAN/-

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