

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11088 of 2013

- =====
1. Suresh Mistri S/O Late Bhuneshwari Mistri Resident Of Village - Maura Purani, Police Station Chousa, District - Madhepura
 2. Sonu Mistri Son Of Suresh Mistri Resident Of Village - Maura Purani, Police Station Chousa, District - Madhepura
 3. Ram Bilash Mistri Son Of Nago Mistri Resident Of Village - Maura Purani, Police Station Chousa, District - Madhepura
 4. Laxman Mistri Son Of Nago Mistri Resident Of Village - Maura Purani, Police Station Chousa, District - Madhepura
 5. Satrughan Mistri Son Of Nago Mistri Resident Of Village - Maura Purani, Police Station Chousa, District - Madhepura
 6. Bijal Mistri S/O Bhikha Mistry Resident Of Village - Maura Purani, Police Station Chousa, District - Madhepura
 7. Pappu Kumar Mistri Son Of Bhikha Mistry Resident Of Village - Maura Purani, Police Station Chousa, District - Madhepura
 8. Mainu Mistri @ Mahashekhar Mistri Son Of Bhikha Mistry Resident Of Village - Maura Purani, Police Station Chousa, District - Madhepura

.... Petitioner/s

Versus

1. The State Of Bihar Through Collector, Madhepura
2. Niraj Yadav Son Of Late Ram Charitra Yadav Resident Of Village - Puraini, P.S. Puraini, District - Madhepura
3. Smt. Nutan Devi Wife Of Arun Yadav Resident Of Village - Phulout, P.S. Chousa, District - Madhepura
4. Smt. Pinki Yadav Wife Of Raj Kishore Yadav Resident Of Village Barikhol, P.S. Chousa, District - Madhepura

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. S.S. Dvivedi, Sr. Advocate
Mr. Ranjan Kumar Dubey, Advocate
Mr. Rajiv Shankar Dvivedi, Advocate

For the Respondent/s : Mr. Parth Sarthi, SC-10

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 23-09-2016 Heard learned counsel for the petitioners as well as

learned counsel for the respondents.

Petition has been filed on behalf of appellants for
admitting a document in terms of Order XLI Rule 27 of the CPC.
How the learned appellate court had considered, for that relevant

portion of the order is quoted hereinbelow:-

“Heard and perused the record. Amendment is of formal in nature. It will not affect the trial and judgment in the appeal”.

That is itself sufficient to infer that the order impugned has been passed by the learned lower court without application of judicial mind as well as relevancy of the document whether needed for proper adjudication of the appeal.

That being so, the order impugned is set aside.
Petition is allowed.

The matter is remitted to the learned lower court to hear the respective parties and pass a fresh order in accordance with law.

(Aditya Kumar Trivedi, J)

perwez

U			
---	--	--	--