

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17684 of 2011

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1. Biniod Yadav Son Of Late Chamari Yadav Resident Of Village-Mohanpur,Po-Bahadurpur,Ps-Rajauli,District-Nawadah.
2. Manti Devi Widow Of Late Chamari Yadav Resident Of Village-Mohanpur Po-Bahadurpur,Ps-Rajauli,District-Nawadah.

.... Petitioner/s

Versus

1. Savitri Kuer Widow Of Late Chamari Yadav Resident Of Village-Mohanpur Po-Bahadurpur,Ps-Rajauli,District-Nawadah.
2. Baby Devi Daughter Of Late Chamari Yadav And Wife Of Prakash Yadav Resident Of Village-Paijana,Po-Paharpur,Ps-Akbarpur At Present Resident Of Village-Mohanpur,Po-Bahadurpur,Ps-Rajauli,Distt-Nawadah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vidya Sagar,
Mr. Samir Kumar Ranjan, Advocates.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

12 27-06-2016 Present case was heard and vide order dated 20.4.2012 this Court after considering the material on record allowed the writ petition after hearing both parties. Later on an application was filed making an allegation that petitioners have obtained order by playing fraud and suppression of material fact whereupon this Court vide order dated 24.4.2012 kept the order dated 20.4.2012 in abeyance and directed for further hearing on admission.

The case was placed on 9.5.2012 and on that day the case was adjourned for one week. Again the case was listed before another Bench on 22.2.2016 and that Bench directed

the case to be listed before appropriate Bench whereupon the case was listed before this bench on 3.5.2016. On that day neither the petitioners nor other side counsel was present. The case was accordingly passed over.

On 4.5.2016 counsel for the petitioners was present but counsel for the respondent was absent. The Court adjourned the case for two weeks. The case was again listed on 20.5.2016. Counsel for the petitioners was present but counsel for the respondent was absent. Ultimately this Court directed the case to be listed on 27th June, 2016 (today) under the heading "For Orders"

Today the case has been placed under the heading "For Orders." Learned counsel for the petitioners is present but counsel for the respondents is absent. No one is present from the side of the respondent to substantiate the allegation.

In such view of the matter, this Court feels that respondents have made a wrong statement in respect of suppression of fact and fraudulently obtained the order, on that account the order dated 20.4.2012 was kept in abeyance.

In such view of the matter, no purpose would be served to keep this matter pending. Accordingly the order dated 24.4.2012 is recalled and order dated 20.4.2012 has now

become effective.

With the aforesaid observations and directions this
petition of respondent is disposed of.

(Shivaji Pandey, J)

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