

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18699 of 2015

=====

1. Ram Dutt Singh, son of Late Babu Krishna Nandan Singh, resident of Village- Kayasth Kabai (Raghopur Depohi), Police Station- Manigachi, District- Darbhanga, at present, residing at Mohalla- Rai Saheb Tank, North Bhinda, Police Station- Bahadurpur, District- Darbhanga.

.... Petitioner/s

Versus

1. Smt. Anupam Rashmi Wife of Sri Ajit Kumar Chaudhary, resident of Village- Ahiyari, Police Station- Kamtaul, District- Darbhanga

2. Sri Binod Kumar Jha, Son of Late Kulanand Jha, resident of Village- Godaipatti, Dhadhiya, Police Station- Kamtaul, District- Darbhanga. At present, residing at Mohalla- Rai Saheb Tank (North), Post Office- Laheriasarai, Police Station- Bahadurpur, District- Darbhanga.

3. Sri Subeshwaer Singh.

4. Sri Vidya Nand Singh.

5. Sri Yaswant Singh. All sons of Late Jaynandan Singh.

6. Sri Yashonandan Singh, son of Late Krishna Nandan Singh. All resident of Village- Ragopur, Police Station- Manigachi, District- Darbhanga.

7. Sri Ajit Nath Jha, Son of Late Aditya Nath Jha, resident of Village- Sarsopahi, Police Station- Pandaul, District- Madhubani.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Binod Bihari Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 29-06-2016 Heard Mr.Binod Bihari Singh, learned counsel for the petitioner.

Perused the impugned order dated 05.10.2015 passed by the learned Sub Judge-IV, Darbhanga, in Title Suit No. 486 of 2014.

It appears that the court below has accepted the written statement filed by the petitioner after about 120 days from

his appearance. The defendant appeared on 18.02.2015 and the written statement was filed on 22.06.2015. Therefore, in fact, there is delay of only one month and the court below has accepted the written statement. It is settled principle of law that the provisions as contained under Order 8, Rule 1 CPC are not mandatory.

Considering the period of delay and the written statement has been filed only after one month delay, I am not inclined to interfere with the impugned order.

Thus, the writ application is dismissed.

(Mungeshwar Sahoo, J)

singh/-

U			
---	--	--	--