

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8593 of 2013

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1. KUNTI DEVI WIFE OF SIDHNATH YADAV RESIDENT OF VILLAGE -
BHAGIRATH BIGHA, POLICE STATION - JEHANABAD IN THE DISTRICT OF
JEHANABAD

.... PETITIONER/S

VERSUS

1. RAJ KUMAR YADAV SON OF LATE DEOKI YADAV RESIDENT OF VILLAGE -
DAULATPUR, POLICE STATION - JEHANABAD IN THE DISTRICT OF
JEHANABAD
2. OM PRAKASH PRASAD SON OF LATE RADHE KRISHNA SAO RESIDENT OF
VILLAGE - BARI SANGAT, JEHANABAD, POLICE STATION - JEHANABAD IN
THE DISTRICT OF JEHANABAD
3. SARJU PRASAD SON OF LATE RADHE KRISHNA SAO RESIDENT OF
VILLAGE - BARI SANGAT, JEHANABAD, POLICE STATION - JEHANABAD IN
THE DISTRICT OF JEHANABAD

.... RESPONDENT/S

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar—Advocate
For the Respondent/s : Mr. Paras Nath—Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 11-05-2016

Heard learned counsel for the petitioner.

Though, in normal phenomenon the appearance of respondents would have been necessary, but in the facts and circumstances of the case, their presence is waived.

Gone through the order impugned.

Unscrupulous litigants, how far able to put hindrance in smooth sailing of the suit and in likewise manner, succeeds in putting hurdle on one pretext or other, the present litigation is one of the glaring example.

Petitioner was allowed to be impleaded as an intervenor. As he failed to file written statement on account thereof, he was debarred. Against that order, petitioner had approached this Court under Civil Revision No.1601 of 2005, which was heard on 28.01.2006 and the same was withdrawn on the pretext of showing an intention that he intends to file

review petition. Subsequently thereof, review petition was filed, but was not in accordance with requirement however was left uncared for years together and lastly the same was rejected. Subsequently thereof, he sat idle for about seven years and then, on the date fixed for judgment, he suddenly appeared and again filed subsequent review petition on the ground that the same happens to be in accordance with law, which after being rejected by the order impugned, has challenged under present petition.

From the order impugned, it is evident that vide order dated 18.05.2005, he was debarred from filing written statement and since thereafter, his dubious conduct has virtually forbidden the learned lower court to deliver judgment for which, the date was so fixed.

Apart from the aforesaid factual aspect, after hearing learned counsel for the petitioner as well as going through the order impugned, I do not find any cogent reason to interfere with the order impugned.

That being so, instant petition sans merit and is accordingly, rejected.

(Aditya Kumar Trivedi, J)

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