

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14493 of 2015

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Hari Lal Sah

.... Petitioner/s

Versus

Laxman Mandal

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Gopal Kumar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 11-11-2016

Heard the learned counsel for the petitioner and learned
counsel for the respondent.

Perused the impugned order dated 13.07.2015 passed
by Sub Judge I, Supaul in Title Suit No.91 of 2011.

It appears that on 12.03.2012, the petitioners appeared
and written statement was filed on 28.10.2013 which was accepted
by the Court below on payment of cost of Rs.700/-. The cost was
not deposited by the petitioner within time. Subsequently, when
application was filed, the Court below rejected the application and
refused to recall the order rejecting the written statement for non-
payment of cost within time.

When this writ application was heard in admission
matter, the learned counsel for the petitioner admitted that there
was some latches on the part of the petitioner, therefore, he is
ready to compensate the plaintiff-respondent by paying cost and,

therefore, notices were issued to the plaintiff-respondent on this question as to whether he is agreeable to receive the cost or not.

The learned counsel for the plaintiff-respondent has appeared and he submitted that heavy cost should be awarded.

The petitioner is ready to pay the cost for compensation to the plaintiff and the plaintiff is agreeable to the cost. Now, therefore, without going to the merit of the case, I set aside the impugned order of the trial court and the written statement of the petitioner is accepted subject to payment of cost of Rs.10,000/- to be paid by the petitioner within one month to the plaintiff-respondent in the Court below. If the cost is deposited within the aforesaid period, the plaintiff-respondent shall be at liberty to withdraw the same. If the cost is not deposited, this order shall stand automatically recalled as without going to the merit, this order is passed.

In view of the above direction, this writ application is thus disposed of.

(Mungeshwar Sahoo, J)

Saurabh/-

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