

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8348 of 2014

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Balajee Mishra Son of Ramchandra Mishra @ Sarvanand Mishra resident of village- Indrath Kala, P.S.- Bikramganj, District- Rohtas

.... Petitioner.

Versus

1. Kamta Prasad Mishra @ Ramneh Mishra Son of Late Hridyanand Mishra resident of village- Indrath Kala, P.S.- Bikramganj, District- Rohtas
 2. Roshila Kuer w/o Late Shaedanand Mishra
 3. Ramchandra Mishra son of Late Ramakant Mishra
 4. Gupteshwar Mishra son of Late Rama Kant Mishra
 5. Sadhika Kuer w/o Late Chandra Shekhar Tiwary
 6. Ranjeet Mishra son of Late Shardanand Mishra
 7. Vishwajeet Mishra son of Ramchandra Mishra @ Sarvanand Mishra
 8. Indrajeet Mishra @ Badak Mishra son of Gupteshwar Mishra @ Sachchidanand Mishra
 9. Chhathu Mishra son of Gupteshwar Mishra @ Sachchidanand Mishra
 10. Chamcham Mishra son of Gupteshwar Mishra @ Sachchidanand Mishra
- All are resident of village- Indrath Kala, P.S.- Bikramganj, District- Rohtas
11. Dudul Mishra @ Nathuni Mishra son of Indradatta Mishra resident of village- Indrath Kala, P.S.- Bikramganj, District- Rohtas
 12. Arjun Mishra son of Late Raman Mishra
 13. Mahendra Mishra son of Late Kedar Mishra
 14. Sidhnath Mishra son of Late Kedar Mishra
 15. Ram Khushi Mishra son of Arjun Mishra 12 to 15 resident of village- Indrath Kala, P.S.- Bikramganj, District- Rohtas

.... Respondents.

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Appearance :

For the Petitioner/s : Mr. Siddharth Harsh, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

2 29-02-2016

Heard the learned counsel for the petitioner.

By the impugned order the petition dated 08.07.2009 filed by the defendant no.12 Dudul Mishra for rejecting the earlier written statement dated 17.11.2008 has been rejected with further direction that both the written statements filed by Dudul Mishra shall be kept on record for consideration

subject to evidence to be adduced by said Dudul Mishra at evidentiary stage.

The petitioner in this case is another defendant in the suit and has prayed to set aside the impugned order. It is manifest that the defendant no.12 Dudul Mishra has not chosen to assail the said order. The petition filed by the petitioner is clearly misconceived as he has no locus standi to pray for setting aside the impugned order which has been based on the petition filed by the defendant no.12 praying to accept his later written statement.

The writ application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

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