

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.50 of 2016**

=====

Lav Singh @ Lav Kumar & Anr

.... Appellant/s

Versus

Shiv Shankar Prasad & Ors

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Binod Kumar Sinha

For the Respondent/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 17-05-2016

Heard learned counsel Mr. Binod Kumar Sinha for
the petitioners.

It appears that on 11.02.2013, the petitioners were added as party on their application in Title (Partition) Suit No. 474 of 2008. They did not file written statement within the stipulated period, provided under Order-8 Rule-1 of the Code of Civil Procedure i.e. 30+60 days. They filed the written statement on 22.02.2016 i.e. after more than 3 years. In the Court below, explanation was given to the effect that the Advocate engaged by the petitioners did not file the written statement. The petitioners therefore, changed the Advocate subsequently and then filed the written statement on 22.02.2016. The Court below did not accept this explanation of the petitioners and refused to accept the written statement filed by the petitioners.

In view of the above factual position, when the

Court below has refused to accept the written statement, which was filed after three years, it cannot be said that the Court below acted in the manner not permitted by the law. The explanation given by the petitioners is only an explanation for the set of explanation.

Therefore, I find no reason to interfere with the impugned order. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J.)

Amit/-

U			
---	--	--	--