

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13445 of 2012

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1. Ram Kumar Singh S/O Late Janardan Prasad Singh Resident Of Village- Patelia, Post Office- Patelia, Police Station- Bibhutipur Within Rosera Sub- Division- Rosera, District- Samastipur., Presently Residing At Mohalla- Laxmipur, Ward No. 18 Under Rosera Municipal Area, Police Station- Rosera, District- Samastipur.

.... Petitioner/s

Versus

1. Krishn Kumar Singh S/O Late Janardan Prasad Singh Resident Of Village- Patelia, Post Office- Patelia, Police Station- Bibhutipur Within Rosera Sub- Division- Rosera, District- Samastipur., Presently Residing At Mohalla- Laxmipur, Ward No. 18 Under Rosera Municipal Area, Police Station- Rosera, District- Samastipur.
2. Puja Kumari D/O Krishn Kumar Singh Resident Of Village- Patelia, Post Office- Patelia, Police Station- Bibhutipur Within Rosera Sub- Division- Rosera, District- Samastipur., Presently Residing At Mohalla- Laxmipur, Ward No. 18 Under Rosera Municipal Area, Police Station- Rosera, District- Samastipur.
3. Gautam Kumar D/O Krishn Kumar Singh Resident Of Village- Patelia, Post Office- Patelia, Police Station- Bibhutipur Within Rosera Sub- Division- Rosera, District- Samastipur., Presently Residing At Mohalla- Laxmipur, Ward No. 18 Under Rosera Municipal Area, Police Station- Rosera, District- Samastipur.
4. Kunal Kumar D/O Krishn Kumar Singh Resident Of Village- Patelia, Post Office- Patelia, Police Station- Bibhutipur Within Rosera Sub- Division- Rosera, District- Samastipur., Presently Residing At Mohalla- Laxmipur, Ward No. 18 Under Rosera Municipal Area, Police Station- Rosera, District- Samastipur.
5. Rajan Kumar S/O Ram Kumar Singh Resident Of Village- Patelia, Post Office- Patelia, Police Station- Bibhutipur Within Rosera Sub- Division- Rosera, District- Samastipur., Presently Residing At Mohalla- Laxmipur, Ward No. 18 Under Rosera Municipal Area, Police Station- Rosera, District- Samastipur.
6. Nidhi Kumari W/O Rupesh Kumar Resident Of Village- Patelia, Post Office- Patelia, Police Station- Bibhutipur Within Rosera Sub- Division- Rosera, District- Samastipur., Presently Residing At Mohalla- Laxmipur, Ward No. 18 Under Rosera Municipal Area, Police Station- Rosera, District- Samastipur.
7. Neha Kumari D/O Ram Kumar Singh Minor Under Guardian Ship Of Mother Nilu Kumari And Ram Kumar Singh Resident Of Village- Patelia, Post Office- Patelia, Police Station- Bibhutipur Within Rosera Sub- Division- Rosera, District- Samastipur., Presently Residing At Mohalla- Laxmipur, Ward No. 18 Under Rosera Municipal Area, Police Station- Rosera, District- Samastipur.
8. Arjun Kumar Singh S/O Late Janardan Singh Resident Of Village- Patelia, Post Office- Patelia, Police Station- Bibhutipur Within Rosera Sub- Division- Rosera, District- Samastipur., Presently Residing At Mohalla- Laxmipur, Ward No. 18 Under Rosera Municipal Area, Police Station- Rosera, District- Samastipur.

9. Priti Kumari D/O Arjun Kumar Singh Resident Of Village- Patelia, Post Office- Patelia, Police Station- Bibhutipur Within Rosera Sub- Division- Rosera, District- Samastipur., Presently Residing At Mohalla- Laxmipur, Ward No. 18 Under Rosera Municipal Area, Police Station- Rosera, District- Samastipur.

10. Rohit Kumar S/O Arjun Kumar Singh Resident Of Village- Patelia, Post Office- Patelia, Police Station- Bibhutipur Within Rosera Sub- Division- Rosera, District- Samastipur., Presently Residing At Mohalla- Laxmipur, Ward No. 18 Under Rosera Municipal Area, Police Station- Rosera, District- Samastipur.

11. Prem Kumar S/O Arjun Kumar Singh Resident Of Village- Patelia, Post Office- Patelia, Police Station- Bibhutipur Within Rosera Sub- Division- Rosera, District- Samastipur., Presently Residing At Mohalla- Laxmipur, Ward No. 18 Under Rosera Municipal Area, Police Station- Rosera, District- Samastipur.

12. Krishna Devi Widow Janardan Singh Resident Of Village- Patelia, Post Office- Patelia, Police Station- Bibhutipur Within Rosera Sub- Division- Rosera, District- Samastipur., Presently Residing At Mohalla- Laxmipur, Ward No. 18 Under Rosera Municipal Area, Police Station- Rosera, District- Samastipur.

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Choudhary Shyam Nandan

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

3 13-01-2016 This petition has come up under the heading “For orders (on office notes)”.

2. Learned counsel for the respondents submits that all the respondents have appeared on account thereof, the office note will served no purpose at all.

3. Learned counsel for the respondents submits that the matter in hand could be disposed of at the present stage itself, therefore, both the parties have been heard.

4. Learned counsel for the petitioner submits that

the learned lower court failed to exercise its jurisdiction in accordance with Order VIII Rule 9 of the C.P.C. judiciously on account of which the learned lower court declined to allow the petitioner/defendant to file fresh written statement.

5. Learned counsel of the respondents out of whom respondents 1st Set is the plaintiff has submitted that he concedes to the prayer made on behalf of petitioner to have the order impugned set aside and further to have a fresh written statement at the end of petitioner. However, till the decision of the case, both the parties be directed to maintain the *status quo* whereupon the learned counsel for the petitioner gives an undertaking to this effect. Hence, the order impugned is set aside permitting the petitioner/defendant to have a fresh WS in terms of Order VIII Rule 9 of the CPC which the learned lower court will accept.

6. Furthermore, the instant suit happens to be of the year 2008, on account thereof, the learned lower court will endeavour to proceed with the trial expeditiously.

(Aditya Kumar Trivedi, J)

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