

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13950 of 2015

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Raj Kumar Mallik

.... Petitioner/s

Versus

Birendra Thakur & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anjani Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 18-05-2016

Heard learned counsel Mr. Jitendra Kishore Verma for
the petitioner.

Perused the order dated 07.04.2015 passed by
Subordinate Judge-IV, Saharsa in Title Suit No.113 of 1997. It
appears that the court below considered the submissions and the
points raised by the petitioner and recorded a finding that in 1998
the petitioner has already appeared and his father, defendant no.9
was contesting the suit by filing written statement. The father died
in the year 2012. Thereafter a fresh written statement has been
filed by the petitioner and the court below by the impugned order
refused to accept the said written statement. Since the order is a
reasoned order, it cannot be said that the court below has passed
the order irrationally and thereby caused any prejudice to the
petitioner, as the petitioner being the son of defendant no.9 can
very well adopt the written statement of his father.

In view of the above settled proposition of law a fresh written statement has been rightly refused to accept by the court below. Thus, this writ application has got no merit and accordingly, it is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

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