

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.15 of 2016

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Jagarnath Chaubey Late Rajdhari Chaubey @ Randhari Chaubey Resident of village - Baraipatti Police Station - Jadopur, District - Gopalganj.

.... Petitioner/s

Versus

1. Smt. Kanti Devi wife of Narsingh Mishra Resident of House no. A 32 A.G. Colony Sheikhpura District - Patna - 25. At present resident of village - Pandey Khareya Police Station - Gopalpur, District - Gopalganj.
2. Chhotan Ojha son of Chandrakishore Ojha
3. Chandrakishor Ojha son of late Raghunath Ojha Both are residents of village Dharampur Police Station - Jadopur District - Gopalganj.

.... Oposite Parties.

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Appearance :

For the Petitioner/s : Mr. Umesh Kumar Singh, Adv.

For the Respondent/s : Mr. Shailendra Kumar Dwivedi, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 06-04-2017

Heard the learned counsel for the petitioner.

The learned counsel for the other side is present.

The present revision application has been filed against the order dated 01.12.2015 passed in Miscellaneous Case No.32/2012 under Order 9 Rule 13 C.P.C. by which the learned court below has allowed the prayer of the defendant-petitioner therein for setting aside the ex parte decree.

After considering the submissions on behalf of the petitioner and perusal of the materials on record, it is evident that the learned court below has come to the finding of fact that the summons on the defendant-opposite party was not served. This finding of fact



has been recorded by the learned court below after considering the facts and circumstances of the case as well as the evidence on record. This Court has not been persuaded to find that the learned court below has committed error of jurisdiction or material irregularity in recording this finding of fact.

Accordingly, this revision application sans merit is dismissed.

(V. Nath, J)

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