

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No. 13319 of 2014

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Santosh Kumar, S/o Sachida Nand Tamboli @ Sachida Nand Prasad, resident of
Village- Amiyawar, P.S. Nasariganj, District- Rohtas.

.... Petitioner/s

Versus

1. Laxmi Devi, W/o Laxmi Prasad Chaurasia, D/o Bitan Prasad Tamboli.
 2. Sharda Devi, W/o Ashok Prasad Chaurasia, D/o Bitan Prasad Tamboli.
- Both resident of Mohalla- Mohan Bigha, P.S. Dehri, District- Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Sahay, Mr. Ajay Nandan Sahay and Mr. Navin Kumar Jha, Advocates
For the Respondent/s	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date: 14-02-2017

Heard learned counsel for the petitioner.

The petitioner is seeking quashing of order dated
07.08.2012 passed by the Sub Judge, 6 in Title Suit No. 21 of 2007,
by which the petition dated 15.05.2012 has been rejected.

Learned counsel for the petitioner has argued that
there were various *bona fide* reasons for counsel not to be present for
pressing the petition and at least one opportunity should have been
given.

The Court is not inclined to accept such contention
for the reason that the order discloses that earlier itself, the date was
fixed for the petitioner to move his petition and despite having filed
attendance, if nobody appears, it is not the duty of the Court to be



concerned with or to find out as to why counsel is not appearing and, then adjourn the matter.

Be that as it may, faced with the situation, learned counsel for the petitioner submitted that he may be given liberty to file an appropriate application before the Court concerned for recall of the order impugned.

In view of the aforesaid, the writ petition stands disposed off with liberty to the petitioner to file an appropriate application before the Court concerned for recall of the order dated 07.08.2012. It goes without saying that if such a petition is filed within four weeks from today, along with a copy of this order, the same shall be considered by the Court concerned, on its own merits, without being prejudiced by the present order. It is clarified that this Court has not expressed any opinion with regard to the merit of the case.

(Ahsanuddin Amanullah, J.)

P. Kumar

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