

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**CIVIL MISCELLANEOUS JURISDICTION No.1124 of 2016**

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1. Gulshan Kumar Minor S/o Late Om Prakash Ray Resident of village - Manaura, P.S. Dehri, P.O. Khairahan, District - Rohtas through his maternal grand father & natural guardian namely Bhagwati Singh S/o Late Devraj Ray, Resident of village - Pandey Dehri, P.O. Sakala Bazar, P.S. Karakat, Gorari, District - Rohtas

.... .... Appellant/s

Versus

1. Most. Maiwanti Kuar W/o Late Sitaram Singh  
2. Sudarshan Kumar Ray  
3. Subas Ray Both S/o Late Sitaram Ray All Resident of Village - Pandey Dehri, P.S. Karakat, District - Rohtas  
4. Kapil Deo Ray Both S/o Late Brichha Ray

.... .... Respondent/s

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**Appearance :**

For the Appellant/s : Mr. Uma Shankar Singh  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL ORDER**

5      21-12-2017      Heard both sides.

Petitioner has filed this Civil Misc. Petition for setting aside the order dated 28.04.2016 passed by learned Sub Judge- VII, Rohtas in T.S. No. 230 of 2005. The petitioner is the plaintiff and filed a petition on 07.12.2015 along with doctor's prescription and prayed for marking prescriptions of the doctors as exhibits but the court below has rejected the petition of the petitioner without assigning any reason.

On the other hand, learned counsel for the respondents submitted that Annexure-3 is a petition of the plaintiff but he did



not disclose any fact with regard to the relevancy of the prescriptions of the doctor that is why the Sub Judge- I has rightly rejected the petition without giving any reason.

Having considered the submissions of both sides and on perusal of the impugned order, I find that the learned Sub-Judge-I has dismissed the petition of the petitioner dated 07.12.2015 without giving any reason. The order is cryptic and on this ground alone, I find that the order is not sustainable. Consequently, the order dated 28.04.2016 passed in T.S. No. 230 of 2005, is set aside.

The matter is remitted back to the Court of learned Sub-Judge- I to pass order afresh on the petition of the petitioner.

**(Prabhat Kumar Jha, J)**

Sudha/-

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