

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.667 of 2017

1. Baidyanath Pandit son of Late Lal Behari Pandit
2. Shyamnandan Pandit son of Biadyanath Pandit, Both resident of Village-Baji Raut, P.O.- Sundarpur, Sakra, Districtn Muzaffarpur

... .. Appellant/s

Versus

1. Ram Balak Singh son of Jogindra Singh
2. Chandradeep Singh son of Jogindra Singh
3. Satrugan Singh, son of Jogindra Singh
4. Satya Narayan Singh, son of Jogindra Singh
5. Rajeshwar Singh, Son of Jogindra Singh
6. Nawal Singh, son of Jogindra Singh.
7. Binod Singh son of Jogindra Singh
8. Manish Singh, son of Ram Balak Singh
9. Subodh Singh, son of Ram Balak Singh
All Resident of village-Baji Raut, P.O. Sundarpur, P.S. Sakra, District-Muzaffarpur

Defendants/Respondents Ist Set

10. Birendra Singh Son of Late Nageshwar Singh
11. Manish Singh, son of Late Nagesghwar Singh
12. Mukesh Singh, son of late Nageshwar Singh
All resident of village-Baji Raut, P.O.-Sundarpur P.S. Sakra, District-Muzaffarpur

Defendants/Respondents 2nd Set

13. Rakesh Kumar Pandit, son of Biadyanath Pandit.

Plaintiff/Respondent 3rd set.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Ranjan Kumar Dubey
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 11-10-2017 There is no representation on behalf of the petitioners. The order of this Court, dated 06.09.2017, has not been complied



with.

The petitioners were allowed to file the entire order-sheets so as to satisfy this Court that no adjournment was taken on their behalf before the Court below. While passing the said order, dated 06.09.2017, the Court had indicated that if it was found that because of adjournments having been taken on behalf of the plaintiffs/petitioners, disposal of the suit got delayed, this Court would impose exemplary cost. It seems that in order to avoid the consequence of the said order, the petitioners are not being represented today.

The petitioners are aggrieved by the order, dated 24.08.2016, whereby the evidence of the plaintiffs/petitioners has been closed and the order, dated 30.01.2017, whereby the petition for recall of the order, dated 24.08.2017, has been dismissed by the learned Munsif, East Muzaffarpur in Title Suit No. 130 of 1998.

While passing the order, dated 30.01.2017, the Court below observed that plaintiffs/petitioners were trying to delay the disposal of the proceeding. The Court below has rejected the application, seeking recall with a cost of Rs. 3000/-.

I do not find any legal infirmity requiring this Court's interference in exercise of power under Article 227 of the



Constitution of India, in background of facts recorded in the
impugned order itself.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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