

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17396 of 2013

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Sadanand Prasad

.... Petitioner/s

Versus

Binod Kumar @ Binod Kumar Verma & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

5 13-09-2017 Heard learned counsel Mr. Vivekanand Vivek for the petitioner and learned counsel Mr. Binod Kumar and Ram Sumiran Rai for the respondents.

After argument of the learned counsel for the petitioner is completed, the learned counsel appearing on behalf of the respondents submitted that the ex-parte order sought to be recalled by the petitioner may be recalled and the petitioner be directed to file written statement within one month from today and the case may be disposed of as early as possible. Both the learned counsels submitted that the witnesses who have been examined by the plaintiff-respondent shall be produced by them for cross-examination of the petitioner within reasonable period. To this suggestion the learned counsel for the petitioner submitted that he is agreeable but the time for filing written statement may be extended to two months.



In view of the aforesaid fair concession of the learned counsel for the respondents, this writ application is allowed. The impugned order is set aside and the petitioner is permitted to contest the suit in the court below subject to the condition that he must file written statement within 30 days from the date of receipt of a copy of this order in the court below or from the date of production of certified copy of this order in the court below. The plaintiff-respondent shall then produce his witnesses, who have already been examined, for cross-examination of the present petitioner subject to payment of cost of Rs.2,000/-(Rupees Two Thousand) by this petitioner to the plaintiff-respondent in the court below within one month. If any of the conditions mentioned above in this order is not complied with by the petitioner, the order shall stand automatically recalled.

(Mungeshwar Sahoo, J)

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