

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.16 of 2016

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Hiralal Sah Son of Ram Lakhan Sah resident of village - Banaura, P.S.
Baikunthpur, District - Gopalganj

.... Petitioner

Versus

1. Dharmnath Singh
2. Ramnath Singh Both sons of Late Sudish Singh null
3. Prabhunath Singh
4. Baijnath Singh
5. Shambhu Singh
6. Tribhuwn Singh All sons of Shri Kishun Singh
7. Ashok Singh Son of Prabhu Singh
8. Lal Babu Singh
9. Babu Nand Singh
10. Shiv Nath Singh All sons of Late Ram Ekbal Singh
11. Musmal Keshava Kunwar Wife of Ram Ekbal Singh All residents of village -
Sirsa Manplur, P.S. Baikunthpur, P.O. Dighwadubauli, District - Gopalganj

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 16-03-2017

Heard the learned counsel for the petitioner.

The present revision application has been filed
against the order by which the learned court below has allowed the
prayer under Order 9 Rule 13 C.P.C., as made by the defendants of
T.S.No.440/2010, setting aside the ex parte decree and directing for
restoration of the suit to its original file.

After considering the submissions and the
materials on record, it is manifest that the evidence has been



properly considered by the learned court below. This Court finds that no error of jurisdiction or material irregularity has been committed by the learned court below in passing the impugned order. The reappraisal of evidence, at this stage, is beyond the revisional jurisdiction of this Court. The findings of fact has been recorded by the learned court below in accordance with law. As such, this Court does not find that any reason to invoke the jurisdiction under Section 115 C.P.C.

The revision application is accordingly dismissed.

The learned court below is directed to expedite the hearing of the suit.

(V. Nath, J)

Nitesh/-

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