

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1160 of 2017

- =====
1. Smt. Geeta Poddar @ Geeta Devi, Wife of Basuki Nandan Poddar.
 2. Smt. Rita Podar @ Rita Devi, Wife of Bhusandeo Poddar. Both Residents of Village and P.O.- Sakarpura Pargana- Ballia, Thana, S.D. and S.R. Bakhri, District- Begusarai.

.... Appellant/s

Versus

1. Madan Mohan Singh, Son of Late Shiv Shankar Singh, resident of Village and P.O.- Sakarpura, Pargana- Ballia, Thana- S.D. and S.R.- Bakhri, District- Begusarai.
2. Bina Devi, Wife of Late Pratepeshwar Singh.
3. Bikram Pratap Singh, Son of Late Pratepeshwar Singh.
4. Banshala Devi, daughter of Late Pratepeshwar Singh.
5. Batashala Devi, daughter of Late Pratepeshwar Singh.
6. Saneshmayee Singh, Wife of late Jogesh Singh.
7. Yasraj Singh, son of late Jogesh Singh.
8. Kumar Satyajeet Singh, Son of late Jogesh Singh.
9. Sukriti Devi, daughter of Late Jogesh Singh.
10. Divya Kumari, daughter of Late Jogesh Singh.
11. Smt. Gayatri Devi, Wife of Late Bisheshwar Prasad Singh.
12. Kamakhya Singh, Son of Late Bisheshwar Prasad Singh.
13. Rahul Singh, Son of Late Bisheshwar Prasad Singh.
14. Kameshwar Singh, Son of Late Laliteshwar Prasad Singh.
15. Siladitya Prasad Singh, Son of Late Laliteshwar Prasad Singh.
16. Amresh Prasad Singh. Son of Late Laliteshwar Prasad Singh.
17. Savitri Devi, Widow of Late Bishundeo Mahton.
18. Dharendra Mahton @ Kari Son of Late Bishundeo Mahton.
19. Sikandar Mahton, Son of Late Bishundeo Mahton.
20. Mukendar Mahton, Son of Late Bishundeo Mahton.
21. Ghurni Devi, Daughter of Late Bishundeo Mahton.
22. Sangita Devi, Daughter of Late Bishundeo Mahton.
23. Md. Umar Son of late Md. Islam.
24. Md. Ehtashan, Son of late Md. Islam.
25. Md. Amzad, Son of late Md. Islam.
26. Bano Khatoon, daughter of late Md. Islam.
27. Rehana Khatoon, daughter of late Md. Islam.
28. Nasima Khatoon, daughter of late Md. Islam.
29. Rajesh Rajak, Son of Late Gandhari Rajak.
30. Ranjit Rajak, Son of Late Gandhari Rajak.
31. Sanjit Rajak, Son of Late Gandhari Rajak.
32. Shashi Rajak, Son of Late Gandhari Rajak.
33. Lalita Devi, daughter of Late Gandhari Rajak.
34. Anita Devi, daughter of Late Gandhari Rajak. Sl. No. 2 to 34 all residents of Village and P.O.- Sakarpura, Pargana- Ballia, Thana, S.D. and S.R.- Bakhri, District- Begusarai.

.... Respondent/s

=====

Appearance :



For the Appellant/s : Mr. Pravin Chandra Prasad
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 24-07-2018 Heard the learned counsel for the petitioners.

The petitioners have filed this Civil Misc. petition against the order dated 30.08.2016 passed in Misc. Appeal No. 03 of 2015 by which the learned District Judge set aside the order of the learned Munsif passed in Misc. Case No. 13 of 2011 by which the learned Munsif dismissed the petition of the defendant for setting aside the ex parte judgment and decree passed in Title Suit No. 57 of 1996.

The learned counsel for the petitioner submits that learned District Judge without appreciating the facts that the notice was duly served on the defendant set aside the order passed in Misc. Case No. 13 of 2011 and restored the Title Suit No. 57 of 1996.

Having considered the submissions and on perusal of records I find that Title Suit No. 57 of 1996 was decided ex parte. The defendant filed Misc. Case No. 13 of 2011 for setting aside the ex parte judgment and decree. The defendant came to know about the ex parte judgment and decree only in the year 2011 when Execution case was filed. On perusal of the order of



the learned District Judge, it appears that learned District Judge has considered all the facts and found that the defendant has no knowledge about the pendency of the suit and the judgment and decree passed ex parte and, accordingly, set aside the order of learned Munsif by which he dismissed the petition of the defendant for setting aside the ex parte judgment and decree passed in Title Suit No. 57 of 1996.

I do not find any illegality or jurisdictional error in the impugned order. Accordingly, this Civil Misc. petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

BKS/Rajan

U			
---	--	--	--

