

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11888 of 2014

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Sri Singh, Son of Late Barho Singh, resident of village- Khanapur, P.S.
Warisaliganj, District Nawada

.... Petitioner

Versus

Raja Ram Singh, Son of Late Ragho Singh, resident of village- Khanapur, P.S.
Warisaliganj, District Nawada

.... Respondent

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Appearance :

For the Petitioner : Mr. Mukesh, Advocate

For the Respondent :

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 12-04-2018

The petitioner has filed this application for setting aside the order dated 05.04.2014 passed by Munsif, Nawada in Title Suit No.72 of 2011 whereby and whereunder the prayer of the petitioner to accept the written statement was rejected.

2. Heard learned counsel for the petitioner. Nobody appeared for the respondent on repeated calls.

3. It appears that the sole respondent filed aforesaid Title Suit No.72 of 2011 on the file of Munsif for declaration of his title with respect to survey entry. The petitioner claims to be in peaceful possession of suit land since 1951 and he recently transferred the said land in favour of his daughter-in-law. He appeared in the court below on 18.05.2012 but for want of necessary document he could not filed



written statement within the stipulated period in consequence of which he was debarred from filing written statement vide order dated 24.08.2012. The petitioner filed written statement on 14.03.2013 along with an application to condone the delay and accept the written statement. The court below rejected the petition observing that no paper has been filed by the petitioner explaining the delay in not filing the written statement. The petitioner has specifically asserted that for want of paper, he could not file the written statement and after getting his written statement prepared, filed the same along with a petition to condone the delay and accept the written statement.

4. In view of above discussions and for the ends of justice, the impugned order refusing to accept the written statement is set aside and this application is allowed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
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