

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.24197 of 2013

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Md. Razaque Son Of Late Zahiruddin Resident Of Village- Jogiraj, Police Station- Puraini, District- Madhepura

.... Petitioner

Versus

1. Md. Murtuza Son Of Late Safiruddin Resident Of Village- Jogiraj, Police Station- Chausa (Puraini), District- Madhepura
2. Md. Sharif Son Of Md. Mahiuddin Resident Of Village- Jogiraj (Puraini), Police Station- Chausa, District- Madhepura
3. Md. Arif Son Of Late Zahiruddin Resident Of Village- Jogiraj (Puraini), Police Station- Puraini, District- Madhepura
4. Md. Sattar Son Of Late Zahiruddin Resident Of Village- Jogiraj (Puraini), Police Station- Puraini, District- Madhepura
5. Md. Jabbar Son Of Late Zahiruddin Resident Of Village- Jogiraj (Puraini), Police Station- Puraini, District- Madhepura
6. Md. Mannan Son Of Late Zahiruddin Resident Of Village- Jogiraj (Puraini), Police Station- Puraini, District- Madhepura

.... Respondents

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Appearance :

For the Petitioner : Mr. Uday Chand Prasad, Advocate

For the Respondents : Mr. Ashok Kumar Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

6 05-03-2018 This application has been filed to set aside the order dated 09.09.2013 passed by Sub Judge-Ist, Madhepura in Title Suit No.144 of 2008 whereby and whereunder the petition filed by the defendants for accepting the written statement was allowed subject to payment of cost of Rs.1500/-.

2. Heard learned counsel for the petitioner as well as the respondents.

3. The petitioner before this Court has filed the aforesaid Title Suit No.144 of 2008 for declaration of Title over the suit



property and also a declaration with respect to revisional survey entry in the name of defendants as wrong, illegal and collusive. The suit was fixed for ex-parte hearing as per order dated 17.01.2012 as the defendants did not appear in pursuance of summons issued against them. The defendants filed a petition on 03.12.2012 for recalling the said order which after hearing was rejected on 05.02.2013. The defendants filed their written statement on 03.10.2012 and a petition on 23.03.2013 under Order 8 Rule 9 read with Section 151 CPC praying therein to accept the written statement. The court below considering the provision of Order 8 Rule 9 accepted the written statement.

4. In view of the above fact, I find that the court below has not committed any jurisdictional error in passing the impugned order. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

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