

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.2003 of 2017**

Sanjay Kumar Rai son of Late Ram Sewak Rai resident of village and P.O. -
Bhirha, P.S. - Rosera, District - Samastipur.

... .. Plaintiff/Petitioner

Versus

1. Ram Chandra Yadav son of Jibach Yadav
2. Hari Kant Yadav son of Moti Yadav
Both residents of village Mouza Bhora Bahera, P.O. Bharwari, P.S. Rosera,
Sub - Division - Rosera, District – Samastipur.
... ..Defendants 1st Party/Respondents 1st Party
3. Smt. Sangita Kumari wife of Birendra Kumar Chourasia resident of village
Mouza - Pawra, P.O. - Sonepur, P.S. - Rosera, District – Samastipur.
... ..Defendant 2nd Party/Respondent 2nd Party

Appearance :

For the Appellant/s : Mr. Abhay Kumar Singh
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER**

2 25-09-2018 Heard Mr. Abhay Kumar Singh, the learned counsel
for the petitioner.

2. The petitioner has filed this civil miscellaneous
petition against the order dated 31.08.2017, passed by learned
Sub-Judge-V, Rosera, Samastipur in Title Suit No.424 of 2014
by which the learned Sub-Judge accepted the Written
Statements of the defendants after condoning the delay in filing
the Written Statements on payment of cost of Rs.300/-.

3. Mr. Abhay Kumar Singh, learned counsel for the
petitioner submits that the defendants no.1 and 2 appeared but
did not file W.S. The suit was fixed for ex-parte hearing but
thereafter the defendants filed petition along with W.S. and the



learned court without recalling the order fixed for ex-parte hearing accepted the Written Statements of the defendants.

4. I find no reason to interfere in the order impugned on the grounds that the learned Sub-Judge has condoned the delay and accepted the Written Statement on payment of cost. The order fixing for ex-parte hearing shall be deemed to have been recalled.

5. Accordingly, this civil miscellaneous petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

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