

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7664 of 2014

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Amar Sinha Son of late Kameshwar Prasad Sinha Resident of Village Laxmi Nagar, Post Office Gogri Police Station Gogri, District- Khagaria, at Present residing at Mohalla Fort Area, Police Station Kotwali, Post Office Munger, District-Munger.

... .. Petitioner/s

Versus

- 1.1. Harsbwardhan Sinha Son of Chandra Deepak Prasad Sinha Resident of Village- Laxmi Nagar, Pargana Forkiya, P.S. Gogri, P.O. Gogri, District- Khagaria.Respondent 1st set
2. Anil Kumar Sinha Son of late Krishndeo Pd. Sinha Resident of Village Laxmi Nagar, Pargana Farkiya Post Office Gogri, Police Station Gogri, District- Khagaria.
3. Ashok Kumar Lakhiyar Son of late Rajeshwar Prasad Lakhiyar Resident of Kadamkuaon Lakhiyar Bhawan Near Jahgi Kothi, Police Station Kadam Kunow, Post Office Kadam Kunow District-Patna. Respondent 2nd set
4. Sitaram Yadav Son of late Tiluoki Yadav
5. Smt. Tara Devi Wife of Sitaram Yadav Both are Resident of Village Gogri Tola Kundi Pargana Farkiya, Post Office, Gogri, Police Station-Gogri, District- Khagaria. Respondent 3rd set

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Harshwardhan Sahay
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL JUDGMENT

Date : 22-11-2019

1. The only question to be decided in the present writ petition is as to whether the impugned order dated 30.01.2014 passed by the learned court of Additional Munsif 3rd, Khagaria in Title Suit no. 23 of 2004, permitting the written statement of the defendant no. 3 to the suit, to be taken on record, which was filed after inordinate delay of about 05 years, is correct or not.

2. Without going into the merits of the case, it is



agreed between the parties i.e. the plaintiff-petitioner herein and the defendant no. 3- respondent 1st set herein, that the interest of justice would be met, in case the respondents 1st set herein, is directed to pay a further cost of Rs. 5,000/- to the learned counsel appearing for the petitioner herein.

3. Having regard to the agreement entered into between the parties, no interference is required in the order dated 30.01.2014 passed by the learned Additional Munsif 3rd, Khagaria in Title Suit no. 23 of 2004, however the respondent- 1st set are directed to pay a cost of Rs. 5,000/- to the learned counsel appearing for the petitioner herein, within a period of six weeks from today positively, failing which the written statement filed by the defendant no. 3 shall be struck-off from the records.

4. The writ petition stands disposed off with the aforesaid observations and directions.

(Mohit Kumar Shah, J)

rinkee/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.11.2019
Transmission Date	NA

