

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.19 of 2018

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1. Smt. Sunaina Devi, wife of Janardan Pandey
 2. Janardan Pandey, son of Late Chandrika Pandey, Both Resident of Village-Samai, P.S. Mufassil (Nawada), District- Nawada.

.....Opposite Parties/Petitioners

Versus

Ram Swarath Pandey, son of Late Natho Pandey, Resident of Village-Govindpur, P.S. Govindpur, District Nawada.

... .. Applicant/Opposite Party

Appearance :

For the Petitioner/s : Mr.Devendra Prasad Singh, Adv
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL JUDGMENT

Date : 11-01-2019

Heard the parties.

2. By the impugned order, the learned court below has set aside the dismissal of Title Suit No.90 of 1993 in exercise of power under Order 9 Rule 9 of the Code of Civil Procedure for the interest of justice and accepting the reason for non-appearance of the opposite parties herein, who were petitioner before the learned court below as well as on payment of exemplary cost of Rs.1,000/- payable to the petitioners herein. With further direction that the plaintiff-applicants would bring their witnesses within three months from the date of order and there was direction to the defendants also to bring witnesses within the same period.

3. Learned counsel for the petitioners has raised different points against the impugned order including the point



that only one witness was examined on behalf of the applicant. No document was produced that applicant was ill between 06.03.2013 and 09.03.2013. In spite of that, the impugned order has been passed on whimsical ground.

4. After hearing the learned counsel for the petitioners and going through the impugned order, I do not find that the learned court below has exercised jurisdiction which was not vested in it or the effect of impugned order would cause injustice to the petitioners herein rather justice should be done by proper adjudication of the matter. Hence, this revision application has got no merit.

5. Accordingly, it stands dismissed.

(Birendra Kumar, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.01.2018
Transmission Date	NA

