

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19530 of 2012

Yubraj Raja Ji son of Sri Badri Prasad Proprietor of M/s Base Builders And Structural Engineers, Resident of Devendar Mukherjee Road, Kolkata- 9, West Bengal

... .. Petitioner/s

Versus

1. Pradip Kumar son of Gridhari Rai Goenka Resident of Lal Bazar, Bettia Town, West Champaran At Lal Bazar, Bettia Town, West Champaran At Present Residing Flat No.- 501, Shashi Kutir, Exhibition Road, Patna, Police Station- Gandhi Maidan, District- Patna
2. Smt. Anita Goenka Wife Of Pradip Kumar Resident of Lal Bazar, Bettia Town, West Champaran At Lal Bazar, Bettia Town, West Champaran at Present Residing Flat No.- 501, Shashi Kutir, Exhibition Road, Patna, Police Station- Gandhi Maidan, District- Patna
3. Dr. Shiv Kumar Sinha Son of Late Brindawan Bihari Lal Resident of Shashi Kutir, Exhibition Road, Patna, P.S.- Gandhi Maidan, Dist.- Patna
4. Smt. Shashi Bijpusia Wife of Sri Rameshwar Prasad Bijpuria Resident of Shashi Kutir, Flat No.- 402 Duplex, Exhibition Road, Patna, Patna Station- Gandhi Maidan, District- Patna
5. Ashok Kumar Singh Son of Ramayan Singh Kusunda Area, Post- Kusunda, Bharat Cooking Coal Limited, Dhanbad
6. Aasra Grih Nirman Samiti through its Administrator District Co-Operative Officer, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Triloki Nath Maitin, Sr. Advocate
Mr. Jawahar Pd. Singh
For the Respondent No. 4: Mr. Sudhir Kumar Bijpuria

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 22-11-2019 The learned counsel for the petitioner submits that the only issue in the present case is that the defendant no. 1, in the aforesaid suit bearing Title Suit No. 286 of 1997, pending before the learned court of Sub-Judge-V, Patna, has been debarred from filing the written statement, vide order dated 29.02.2000, on account of the delay which has taken place in filing the same and further the petition filed for recall of the said order dated 29.02.2000 has also been rejected by the impugned order dated



18.08.2012 passed by the learned Sub-Judge-V, Patna.

The learned counsel appearing for the respondents herein i.e. the respondent nos. 1 & 2, who are the plaintiffs in the suit proceedings, submits that appropriate cost be imposed and a time frame be fixed for the purposes of filing of written statement by the defendant no. 1 to the suit.

Having regard to there being no opposition on behalf of the learned counsel for the plaintiffs to the suit, I deem it fit and proper to direct the petitioner herein to pay a sum of Rs. 10,000/- (Rs. Ten thousand), to the learned counsel appearing for the respondent nos. 1 & 2, within a period of two weeks from today. It is further directed that the defendant no. 1 to the suit shall file appropriate written statement within a period of six weeks from today, failing which his right to file the written statement shall stand forfeited forever.

With the aforesaid observations and directions, the present writ petition stands allowed and the orders dated 29.02.2000 and 18.08.2012 passed in Title Suit No. 286 of 1997 by the learned Sub-Judge-V, Patna are set aside.

(Mohit Kumar Shah, J)

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