

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.140 of 2020

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Suraj Singh Son of Late Bhrigurasan Singh, resident of Village Ujjain
Lohiyar, P.S. Harsidhi, P.O. Gaighat, District- East Champaran.

... .. Petitioner/s

Versus

Ramchandra Prasad Singh S/o Late Bhrigurasan Singh, resident of Village
Ujjain Lohiyar, P.S. Harsidhi, P.O. Gaighat, District- East Champaran.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Kumar Uday Singh, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 04-02-2021 Petitioner has prayed for the following relief(s):

“(i) Setting aside the order dated 8.11.2019
passed by the learned Addl. District Judge, 4th,
Motihari, East Champaran in Miscellaneous
Appeal No. 17/2015 (annexure-9), whereby and
where under he has dismissed the said appeal
filed by the petitioner against the order dated
1.7.2015 of the learned Sub-Judge-4, Motihari in
Misc. Case No.10/2010 (annexure-8).

(ii) Setting aside order dated 1.7.2015 passed by
the learned Sub-Judge-4, Motihari in Misc. Case
No.10/2010 (annexure-8) whereby and where
under he has rejected the application of the



petitioner under Order Rule 13 read with Section 151 of the Code of Civil Procedure for setting aside the *ex-parte* order dated 29.1.2009 passed in favour of the respondent in T.S. No. 470/2007.

(iii) Directing the learned Sub-Judge-4 Motihari to dispose of T.S. No.470/2007 afresh in accordance with law.”

After the matter was heard for some time, learned counsel rightly sought permission to withdraw the petition reserving liberty to file an appeal assailing the original judgment and decree passed by the learned trial Judge.

Since the petitioner has been pursuing the remedies before various forums, including this Court, seeking to set aside the *ex parte* judgment and decree, the limitation shall not come in the petitioner’s way in decision of the appeal, if so filed, within the statutory period.

Permission, as prayed for, is granted.

Petition stands disposed of with the liberty aforesaid.

Since the parties have been litigating for more than a decade, as such, this Court is hopeful that the appeal, as and when filed, shall be heard and disposed of on merits, per law,



within a period of one year.

Hopefully, the parties shall fully cooperate in the just
decision of the appeal.

(Sanjay Karol, CJ)

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