

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.465 of 2020

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Muneshwar Prasad Singh @ Muneshwar Singh S/o Late Heman Singh, R/o
Village- Balaha, Narayanpur, P.S.- Bihpur, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

1. Sanjeev Kumar Singh son of Late Yogendra Narayan Singh, resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
2. Pramod Kumar Singh @ Pramod Kumar son of Late Yogendra Narayan Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
3. Bibhash Kumar Singh son of Late Yogendra Narayan Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
4. Ravindra Prasad Singh son of Gajendra Narayan Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
5. Anil Kumar Singh son of Gajendra Narayan Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
6. Indra Bhushan Singh @ Indu Bhushan Singh son of Late Ratneshwar Prasad Singh resident of Mohalla- Tilka Manjhi, Police Station- Kotwali, District- Bhagalpur.
7. Dilip Kumar Singh son of Late Ratneshwar Prasad Singh resident of Village- Balaha, Police Station- Bihpur, District- Bhagalpur.
8. Barun Kumar Singh son of Late Ratneshwar Prasad Singh resident of Village- Balaha, Police Station- Bihpur, District- Bhagalpur.
9. Aslok Kumar Singh son of Late Ratneshwar Prasad Singh resident of Village- Balaha, Police Station- Bihpur, District- Bhagalpur.
10. Sunaina Devi wife of Late Yogendra Narayan Singh resident of Village- Balaha, Police Station- Bihpur, District- Bhagalpur.
11. Munni Kumari wife of Pankaj Kumar Singh resident of Village- Rajpura, Police Station- Shambhuganj, District- Banka.
12. Chunni Kumari wife of Rajesh Kumar Singh resident of Village- Binbara, Police Station- Munger (Muffasil), District- Munger.
13. Neetu Kumari daughter of Late Yogendra Narayan Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
14. Asha Kumari wife of Akhilesh Kumar Singh resident of Village- Bhelai, Police Station- Barahat, District- Bhagalpur.
15. Kiran Kumari wife of Shiv Kumar Singh resident of Village- Naugain, Police Station- Sangrampur, District- Munger.
16. Ranju Kumari wife of Abadh Kumar Singh resident of Village- Sadpur, Police Station- Barari, District- Bhagalpur.
17. Arun Kumar Singh son of Late Ratneshwar Prasad Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
18. Shail Devi daughter of Late Ratneshwar Prasad Singh, wife of Maheshwar Prasad Singh resident of Village- Telco Colony, Police Station- Jamsedpur,



District- Jamsedpur.

19. Sarjni Devi daughter of Late Ratneshwar Prasad Singh and wife of Vijay Kumar Singh resident of Village- Durgapur, Police Station- Semapur, District- Katihar.
20. Baleshwar Singh son of Late Babu Govind Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
21. Kailash Singh son of Late Babu Medni Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
22. Raman Kumar Singh son of Late Babu Jai Karan Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
23. Smt. Sangita Devi wife of Pramod Yadav resident of Village- Narayanpur, Police Station- Bihpur, District- Bhagalpur.
24. Smt. Usha Devi wife of Pramod Yadav resident of Village- Narayanpur, Police Station- Bihpur, District- Bhagalpur.
25. Smt. Ahilya Devi wife of Nawal Kishore Yadav resident of Village- Narayanpur, Police Station- Bihpur, District- Bhagalpur.
26. Smt. Indu Devi wife of Sri Jai Prakash Yadav resident of Village- Narayanpur, Police Station- Bihpur, District- Bhagalpur.
27. Smt. Rina Devi wife of Sri Manoj Yadav resident of Village- Narayanpur, Police Station- Bihpur, District- Bhagalpur.
28. Sri Basu Das son of Late Gantri Das resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
29. Sri Dasu Das son of Late Gantri Das resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
30. Bambam Singh son of Late Dhiro Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
31. Timhi Devi wife of Late Dhiro Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
32. Pulkit Singh son of Late Hem Narayan Singh @ Hemant Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
33. Brahmdeo Singh son of Late Hem Narayan Singh @ Hemant Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
34. Manoj Kumar Singh son of Late Medni Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
35. Abdhesh Singh son of Late Madni Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
36. Anuj Singh son of Late Madni Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
37. Tribhuwan Singh son of Late Jagdish Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
38. Prakash Singh son of Late Jai Karan Singh resident of Village- Balha, Police Station- Bihpur, District- Bhagalpur.
39. Most. Kalawati wife of Late Bhubneshwar Singh resident of Village- Balha,



Police Station- Bihpur, District- Bhagalpur.

40. Most. Bachchi Devi wife of Late Kare Singh resident of Village- Balha,
Police Station- Bihpur, District- Bhagalpur.
41. Ram Bahadur Singh son of Late Kare Singh resident of Village- Balha,
Police Station- Bihpur, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Rajesh Kumar
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 22-11-2021 Heard learned counsel for the petitioner as well as
learned counsel for the respondents.

The learned counsel for the petitioner has submitted that vide impugned order dated 12.12.2019, the learned court below has mentioned that on 29.01.2017 the title appeal was proceeded *ex parte* but this date is not correct date, rather the appeal was proceeded *ex parte* vide order dated 07.02.2018. It appears nothing but clerical mistake occurred in that order. The xerox copy of certified copy of order dated 07.02.2018 has been filed by the petitioner as Annexure-2, which shows that the title appeal was proceeded *ex parte* which was recalled by the impugned order dated 12.12.2019.

The learned Trial Court has mentioned in concluding portion of the order regarding the service of summons upon the respondents that no evidence for substituted service is available



on record, in these circumstances, the learned Trial Court has recalled the order whereby it proceeded *ex parte* against the respondents.

I do not find any point for interference in the impugned order. Accordingly, this civil miscellaneous application is dismissed.

(Nawneet Kumar Pandey , J)

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