

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1163 of 2018

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Anil Kumar Singh Son of Late Damodar Singh, Resident of Village- Akodhi,
P.S.- Ramgarh, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

1. Sunil Kumar Singh, Son of Late Damodar Singh, resident of Village- Akodhi, P.S.- Ramgarh, District- Kaimur at Bhabua.
2. Abhay Kumar Singh, Son of Rana Pratap Singh, resident of Village- Isri, P.S.- Ramgarh, District- Kaimur at Bhabua.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Parwej Khan
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 10-08-2022 Heard learned Counsel for the petitioner.

The petitioner is aggrieved by the order, dated 20.04.2018, passed, in Title Suit No. 370 of 2016, by learned Sub Judge-IV, Kaimur, at Bhabhua, whereby the petition filed by respondent no. 1-defendant no. 1 for recall of the order, dated 06.06.2017, has been allowed. The petitioner in the plaintiff in the suit.

Learned Counsel for the petitioner-plaintiff submits that the suit has been filed for ejectment and by order, dated 06.06.2017, the defendant no. 1-respondent no. 1 was debarred from filing written statement. He further submits that no petition has been filed for recall of the order, dated 06.06.2017, but the learned Trial Court has recalled the order, dated 06.06.2017 and



has allowed the respondent no. 1-defendant no. 1 to file written statement.

From perusal of the impugned order, dated 20.04.2018, it appears that on the basis of a petition filed by the respondent no. 1-defendant no. 1, the order, dated 06.06.2017, has been recalled in the interest of justice.

Having heard learned Counsel for the petitioner and taking into consideration the law laid down by the Supreme Court, in the case of **Salem Advocate Bar Association, T.N. v. Union of India**, reported in **(2005) 6 SCC 344**, I do not find any reason to interfere with the impugned order.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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