

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.374 of 2022

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Bharat Ray Son of Polo Ray @ Ram Prasad Ray Resident of Village- Uttari
Rahimpur, Ward No.17, Naya Tola, P.S. Muffasil, District- Khagaria.

... .. Petitioner/s

Versus

Smt. Nidhi Devi D/o Late Rohitashav Kumar R/o Pani Tanki, Railway
Colony, Bihta, P.S. Bihta, Distt- Patna at present residing in Mohalla- Kurkuri
Brahampur Road, Phulwarisarif, P.S. Phulwarisarif, District- Patna.

... .. Respondent/s

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 30-06-2022 Heard learned counsel for the petitioner.

The petitioner is aggrieved by the impugned
order dated 25.03.2022 passed in Title Suit No.
67/2014 by the learned Sub Judge-V, Khagaria, by
which the order dated 10.01.2019 regarding *ex-parte*
hearing of the suit has been recalled.

The sole respondent is defendant No.-12 in
Title Suit which has been filed by the petitioner-
plaintiff for declaration of title and setting aside
the sale deed dated 20.05.1996.

The part of the suit property has been purchased



by defendant No. 12 i.e. sole respondent herein during pendency of the suit i.e. on 17.11.2015 and vide order dated 10.01.2019 the suit proceeded *ex-parte* against the sole respondent/defendant No. 12 herein.

The grievance of the petitioner is that on the application filed by the Respondent on 24.2.2022, the order dated 10.01.2019 has been recalled by the learned court below and the respondent herein has been permitted to contest the suit.

Learned counsel for the petitioner submits that the respondent herein is a litigant and is deliberately not participating in the proceedings since 2019.

Having heard learned counsel for the petitioner and upon perusal of the impugned order it appears that summons was not served upon the sole respondent at her matrimonial home where she resides with her husband.



I find no illegality in the impugned order allowing the sole respondent herein to contest the suit after recalling the order dated 10.01.2019.

Accordingly, this application stands dismissed.

(Anil Kumar Sinha, J)

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