

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.389 of 2017

1. Vikash Chandra Kaushik Son of Late Narendra Kumar Sharma Resident of Village-Mai Post Office Police Station-Parawalpur, District-nalanda

... .. Petitioner/s

Versus

1. Shri Birendra Kumar Sinha Son of Late Bachu Narayan Sinha
2. Praveen Chandra
3. Prashant Chandra Renu Both 2 and 3 are Shri Birendra Kumar Sinha
4. Sounil Chandra, Son of Sri Praveen Chandra Minor Under Guardian Ship of His Father and Wel Wisher null
5. Prakash Chandra Kaushik Son of Late Narendra Kumar Sharma
6. Nikhil Kumar, Son of Vikash Chandra Kaushik, Minor under Guardian Ship of his father and Well Wisher
7. Suniyojit Kumar
8. Anshu Kumar 7 and 8 are Minor Sons of Prakash Chandra Kaushik Minors Under guardianship of their father and well All Respondent no. 1 to 8 are resident of village-Mai Post Office Police Station-Parawalpur, District-Nalanda
9. Smt. Chinta Mani Devi Wife of Sri Anant Prasad Singh, Daughter of Late Bachu Narayan Singh Resident of Village-Purab Darwaza Post Office-Police Station-Parawalpur, District-Nalanda

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ravi Shanker Pankaj
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 06-09-2022 Mr. Ravi Shankar Pankar, learned counsel for the petitioner submits that by the impugned order dated 08.12.2016 the Title Suit No. 04/2008 has been restored under Order IX Rule 9 of the Code of Civil Procedure without service of notice upon the petitioner and other defendants.

2. Mr. Akshansh Ankit, learned counsel appearing for



the respondents submits that the matter may be remitted back to the court of Sub Judge-II, Hilsa, Nalanda for reconsideration of petition filed by the plaintiff/respondents under Order IX Rule 9 of the CPC inasmuch as the contention of the petitioner that the notices were not issued to the defendants is correct.

3. In view of the submissions made by the parties the impugned order dated 08.12.2016 passed in the Miscellaneous Case No. 12/2016 is set aside. The matter is remitted back to the concerned court for passing a fresh order on the petition filed by the respondent/plaintiff under Order IX Rule 9 of the CPC for restoration of the suit.

4. It is made clear that the learned court below shall pass the order after service of notice upon all the defendants.

(Anil Kumar Sinha, J)

perwez

U			
---	--	--	--

