

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.52 of 2020

1. Bhagwan Sah, Son of Late Raghuni Sah, resident of village- Pipra, P.S.- Chautham, District- Khagaria, At present residing at Village- Paura, P.S.- Gogri, District- Khagaria.
2. Pappu Sah, son of Bhagwan Sah, resident of village- Pipra, P.S.- Chautham, District- Khagaria, At present residing at Village- Paura, P.S.- Gogri, District- Khagaria.

... .. Petitioner/s

Versus

1. Hari Nandan Prasad, Husband of Late URmila Devi, resident of village- Pipra, P.O.- Keshavnagar, P.S.- Chautham, District- Khagaria.
2. Himanshu Shekhar, son of Late Urmila Devi and Harinandan Prasad, resident of village- Pipra, P.O.- Keshavnagar, P.S.- Chautham, District- Khagaria.
3. Sudhanshu Shekhar, son of Late Urmila Devi and Harinandan Prasad, resident of village- Pipra, P.O.- Keshavnagar, P.S.- Chautham, District- Khagaria.
4. Kumari Madhu, daughter of Late Urmila Devi and Harinandan Prasad, resident of village- Pipra, P.O.- Keshavnagar, P.S.- Chautham, District- Khagaria.
5. Seema Gupta, daughter of Late Urmila Devi and Harinandan Prasad, resident of village- Pipra, P.O.- Keshavnagar, P.S.- Chautham, District- Khagaria.
6. Nirmala Devi, Daughter of Late Jagdish Prasad, resident of village- Pipra, P.O.- Keshavnagar, P.S.- Chautham, District- Khagaria.
7. Ranjana Devi, Daughter of Late Jagdish Prasad, resident of village- Pipra, P.O.- Keshavnagar, P.S.- Chautham, District- Khagaria.
8. Smt. Pushpa Devi, wife of Sri Hitesh Kumar, resident of village- Pipra, P.O.- Keshavnagar, P.S.- Chautham District - Khagaria.
9. Smt. Mamta Devi, wife of Nitesh Kumar, resident of village- Pipra, P.O.- Keshavnagar, P.S.- Chautham District - Khagaria.
10. Smt. Krishna Devi, wife of Sri Durgi Mahto @ Durgi Patel, resident of village- Pipra, P.O.- Keshavnagar, P.S.- Chautham District - Khagaria.
11. Durgi Mahto, son of Late Bhagwan Mahto, Resident of village- Pipra, P.O.- Keshavnagar, P.S.- Chautham District- Khagaria.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dronacharya
For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA



ORAL ORDER

3 27-06-2022 By the impugned order the application filed by defendant 3rd set- petitioners with a prayer to direct the defendant 1st set to appear in person regularly in the trial has been rejected.

Mr. Dronacharya, learned senior counsel for the petitioners-defendant 3rd set in the suit submits that suit was filed by the plaintiff-respondent no. 11 for declaration of title and confirmation of possession which has been registered as Title Suit No. 11 / 2015. In the said suit original defendant 1st set died and he was substituted by his legal heirs. Submission is that defendant 3rd party -petitioners are the vendor of the suit property, which was purchased by the plaintiff / respondents 3rd set herein. The contention of learned counsel for the petitioners is that defendant 1st set are not taking interest in the suit and as such he should be directed to appear in person on each and every date during the course of trial.

I have gone through the impugned order. From perusal of the same it appears that the court below has rejected the application on the ground that it is not in the interest of justice directing a party to the suit to appear in person on each and every date particularly when the parties are appearing through their counsel.



In view of the aforesaid, I do not find any material irregularity and / or jurisdictional error in the impugned order.

Accordingly, this civil miscellaneous application is rejected.

(Anil Kumar Sinha, J)

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