

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.737 of 2018

Abdul Kalam @ Abul Kalam Son of Late Ahmad Hussain, Resident of Village- Chichari Kanungo, Tole- Man, P.O.- Chichari, P.S.- Rajnagar, District- Madhubani.

... .. Petitioner/s

Versus

- 1.1. Jarina Khatoon Wife of Late Shaukat Ansari, Resident of Village- Chichari, P.S.- Rajnagar, District - Madhubani.
- 1.2. Salauddin Ansari, Son of Late Shaukat Ansari, Resident of Village- Chichari, P.S. Rajnagar, District - Madhubani.
- 1.3. Shaheed Ansari Son of Late Shaukat Ansari, Resident of Village- Chichari, P.S. Rajnagar, District - Madhubani.
- 1.4. Suhail Ansari Son of Late Shaukat Ansari, Resident of Village- Chichari, P.S. Rajnagar, District - Madhubani.
- 1.5. Saista Khatoon, Daughter of Late Shaukat Ansari, Minor under the guardianship of her mother. Resident of Village- Chichari, P.S. Rajnagar, District - Madhubani.
2. Lal Ansari, Son of Late Muslim Ansari, Resident of Village - Chichari Kanungo, Tola - Man, P.O. - Chichari, P.S. - Rajnagar, District - Madhubani.
- 3.1. Jamila Khatoon Wife of Late Muslim Ansari, Resident of Village- Chichari Kanungo, Tola - Man, P.O. - Chichari, P.S. - Rajnagar, District- Madhubani.
- 3.2. Kamal Ansari Son of Late Muslim Ansari, Resident of Village- Chichari Kanungo, Tola - Man, P.O. - Chichari, P.S. - Rajnagar, District- Madhubani.
- 3.3. Shamim Ansari Son of Late Muslim Ansari, Resident of Village- Chichari Kanungo, Tola - Man, P.O. - Chichari, P.S. - Rajnagar, District- Madhubani.
- 3.4. Rukhsana Khatoon - Daughter, Wife of Shamsul Ansari, Resident of Madhbapur Motihari, P.O. and P.S. - Madhbapur, District - Madhubani, PIN CODE- 847305.
- 3.5. Sabana Khatoon - Daughter, Wife of Tamanna Ansari, Resident of Village- Mirjapur Chand Tola, P.O. and P.S. - Rajnagar District - Madhubani, PIN CODE 847235.
4. Harun Ansari, Son of Bauku Ansari,
5. Majid Ansari, Son of Late Hanif Ansari,
6. Noor Jahan, Wife of Akhatar Ansari,
7. Naushad, Son of Mustaq Hussain,
8. Jakir, Son of Nabi Hussain, All are residents of Village- Chichari Kanungo, Tole- Man, P.O.- Chichari, P.S.- Rajnagar, District- Madhubani.
9. The District Fisheries Officer, Fisheries Department, Madhubani.
10. Sanjay Kumar Pandey, Intervener, Son of Late Sudhir Chandra Pandey, Resident of Village- Babubarhi, P.S.- Babubarhi, District- Madhubani.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Bidhanesh Misra

For the Respondent/s : Mr. Raj Kishore Roy

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

14 28-08-2023 Heard learned counsel for the parties.

2. This application has been filed for setting aside the order dated 15.03.2018 passed by Sub-Judge II, Madhubani in Title Suit No. 28/2013 whereby the written statement filed by Respondent no. 10 (intervener) which was earlier rejected vide order dated 25.07.2016 has been recalled and allowed.

3. By the impugned order dated 15.03.2018, the written statement of the intervener has been accepted after four years of the appearance of the intervener.

4. Learned counsel for the petitioner submits that the delay of four years has not been properly explained by the intervener in the court below and the impugned order cannot be sustained.

5. I have gone through the impugned order, I do not find any legality in the impugned order. Moreover, in the interest of justice a suit can be decided by hearing all the parties so that there is no multiplicity of proceeding.

6. In that view of the matter, this application is dismissed.



7. The Sub Judge concerned is directed to decide the suit expeditiously preferably within one year. It will proceed *ex-parte* against the non-cooperating party.

(Sandeep Kumar, J)

Ranjeet/-

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