

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.356 of 2017

1. Bishwanath Sen and Ors son of Late Fani Gopal Sen,
2. Deonath @ Deb Nath Sen, son of Late Fani Gopal Sen,
3. Bipul Sen, son of Late Fani Gopal Sen, All are residents of Azad Colony, Bhatta Bazar, Purnea, Police Station- Khazanchi Hat, PO and District-Purnea.

... .. Petitioner/s

Versus

1. Umesh Das and Ors son of Late Deo Narayan Das,
2. Sanjay Das, son of Late Deo Narayan Das,
3. Arjun Das, son of Late Deo Narayan Das,
4. Dinesh Das, son of Late Deo Narayan Das, All are residents of Samrat Chowk, Tatwa Toli, Purnea, Police Station- Khazanchi Hat, PO and District-Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Gyanand Roy
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 06-10-2023

Heard the parties.

2. This application has been filed for setting aside the order dated 13.01.2017 passed by Sub-Judge, I, Purnea in Title Suit No. 59 of 2016 by which he has refused to recall the order dated 07.12.2016 debarring the defendants-petitioners from filing written statement and consequently the petition dated 21.12.2016 filed by the defendants-petitioners has been rejected.

3. Though the petitioners who are defendants in the Court below, have not filed the Written Statement in time and have been debarred by the Court but considering the



explanation furnished by them for the delay, in my opinion the written statement should have been accepted by the Court below. Moreover, in the interest of justice a suit should be decided after allowing all the contesting parties to participate in the Suit proceedings.

4. In view of the aforesaid, the written statement filed on behalf of the petitioners who are the defendants in the Court below shall be accepted and the Suit will proceed thereafter.

5. Accordingly, this application is allowed.

(Sandeep Kumar, J)

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