

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CIVIL REVISION No.209 of 2017**

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Geeta Devi Wife of Anil Singh resident of Village and P.O. - Karhatta Bujurg,  
P.S. - Goraul, District - Vaishali.

... .. Petitioner/s

Versus

1. Ram Kali Devi wife of Late Sewak Singh resident of Village and P.O.  
Karhatta Bujurg, P.S. - Goraul, District – Vaishali.

-----Plaintiff-Opposite Pary Ist set

2. Ram Ekbal Singh, son of Late Janak Lal Singh, Resident of Village and  
P.O.-Karhatia, P.S. Goraul, District-Vaishali

-----Defendant 2<sup>nd</sup> Set- Opp. Party

3. Harihar Singh, son of Late Ganeshi Mahto

4. Shobhit Singh

5. Upendra Singh

6. Devendra Singh

Nos. 4 to 6 are son of Late Ram Ashish Singh

7. Dharmendra Singh

8. Dharmbeer Singh

Nos. 7 and 8 are sons of Late Sewak Singh

All residents of Village and P.O.-Karhatia, Bujurg, P.S. Goraul, District-  
Vaishali.

----- Defendants 3<sup>rd</sup> Set-Opp. Parties

... .. Respondent/s

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**Appearance :**

For the Petitioner/s : Mr. Rajeev Ranjan, Advocate

For the Respondent/s : Mr. Devendra Kumar Singh, Advocate

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**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA**  
**ORAL ORDER**

13 14-09-2023

Heard learned counsel for the parties.



2. This Civil Revision application has been filed against the order dated 15.09.2017 in connection with Misc. Case No. 7 of 2014 by the learned Sub Judge-IV, Vaishali at Hajipur by which the learned Sub-Judge has allowed the application for restoration of Title Suit No. 497 of 2013.

3. It appears from the record that plaintiff/opposite party no. 1 filed the Title Suit No. 497 of 2013 against the petitioner and opposite party nos. 2 to 8 for right, title and possession on the suit property. The petitioner appeared and filed written statement. Opposite party no. 2 also appeared in the suit. On 28.01.2017, the learned Court below issued notice to rest opposite parties and plaintiff was directed to file requisites but he failed and also not appeared on 21.04.2014. Accordingly, suit was dismissed. The Misc. Case No. 7 of 2014 was filed for restoration in which four witnesses have been examined on behalf of the plaintiff and two witnesses have been examined on behalf of appearing defendants. The learned Court below vide the impugned order allowed the restoration of suit with cost of Rs. 1100/-.

4. Learned counsel for the petitioner submits that the suit has been restored on flimsy ground of illness and the same was not documentarily proved in the Misc. Case No. 7 of 2014.



The plaintiff-opposite party no. 1 regularly appearing before the S.D.O., Mahua in Case No. 3035 of 2013/2025 of 2015 under Section 107 of the Cr. P.C. and he has falsely taken the plea of illness for non appearance in the suit. Learned counsel for the petitioner further submits that the Court in the impugned order itself stated that the plaintiff has wasted the time of the Court in making delay in *parvi* but the meager cost has been imposed on the plaintiff.

5. On the other hand, learned counsel for the respondents submits that there is no merit in the petition of the petitioner and the learned Court below appreciating the facts and circumstances of the case, in the interest of justice, allowed the restoration petition with cost which requires no interference by this Court in the Civil Revision.

6. Having heard learned counsel for the parties and on perusal of the record, it appears that there is no jurisdictional illegality in the impugned order which requires no interference by this Court.

7. Accordingly, this Civil Revision petition is dismissed.

8. The learned Court below is directed to expedite the disposal of the suit in accordance with law and both the parties



are also directed to co-operate the learned trial Court and no unnecessary adjournment shall be granted to any of the parties.

9. With the aforesaid observations/directions, this Civil Revision application stands disposed of.

**(Sunil Dutta Mishra, J)**

P. Kumar

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