

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1155 of 2019

1. Ashok Singh Son of Late Binda Singh, Resident of village Afaur, P.S. Jalalpur, District Saran at Chapra.
2. Damodar Singh, Son of Late Binda Singh, Resident of village Afaur, P.S. Jalalpur, District Saran at Chapra.

... .. Petitioner/s

Versus

1. Prabhakar Singh Son of Late Harendra Singh, Resident of village Afaur, P.S. Jalalpur, District - Saran.
2. Rahul Kumar Singh, Son of Pramod Kumar Singh, Resident of village Afaur, P.S. Jalalpur, District - Saran.
3. Dharmendra Singh, Son of Late Ramrup Singh, Resident of village Afaur, P.S. Jalalpur, District - Saran.
4. Shrikant Singh, Son of Late Nagendra Singh, Resident of village Afaur, P.S. Jalalpur, District - Saran.
5. Raj Narayan Singh, Son of Ganga Singh, Resident of village Afaur, P.S. Jalalpur, District - Saran.
6. Ravindra Singh, Son of Late Jangi Singh, Resident of village Afaur, P.S. Jalalpur, District - Saran.
7. Mukund Singh, Son of Mahendra Singh, Resident of village Afaur, P.S. Jalalpur, District - Saran at Chapra.
8. Sanjiv Kumar Singh, Son of Late Bachha Singh, Resident of village Afaur, P.S. Jalalpur, District - Saran at Chapra.
9. Rajnish Kumar Singh, Son of Late Shailendra Singh, Resident of village Afaur, P.S. Jalalpur, District - Saran at Chapra.
10. Rajiv Kumar Singh, Son of Late Bibhuti Singh, Resident of village Afaur, P.S. Jalalpur, District - Saran at Chapra.
11. Abhishek Singh, Son of Late Bibhuti Singh, Resident of village Afaur, P.S. Jalalpur, District - Saran at Chapra.
12. Pramod Kumar Ray, Son of Late Anutha Singh, Resident of village Afaur, P.S. Jalalpur, District - Saran at Chapra.
13. Bimal Kumar Ray, Son of Late Anutha Singh, Resident of village Afaur, P.S. Jalalpur, District - Saran at Chapra.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar
For the Respondent/s : Mr. Narendra Kumar

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER



7 12-09-2023

1. This is an application against the order dated 01.05.2019 passed by the learned Munsif 1st Court, Chapra in T S No. 429 of 2017.

2. By the impugned order, the petitioner has been debarred from filing the written statement on the ground of delay of six months.

3. The provisions of Order 8 Rule 1 are directory in nature and not mandatory and for just decision of a suit, the written statement of the defendant is necessary.

4. In my opinion, the impugned order cannot be sustained and the same is set aside and written statement filed by the petitioner is directed to be accepted and the suit will proceed accordingly.

5. This application stands allowed.

(Sandeep Kumar, J)

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