

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No. 199 of 2024

=====

Pritam Kumar Singh, Son of Late Jaynendra Kumar Singh @ Jain Singh,
Resident of village and Post- Karma Bhagwan, P.S. - Aurangabad, Distt.
Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. The State of Bihar through Collector, Aurangabad.
2. Anchal Adikhari, Aurangabad Anchal, Aurangabad.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s	:	Mr. Parth Gaurav, Advocate Mr. Kunal Aryan, Advocate
For the State	:	Md. Raiseed Haque, SC 10

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 08-04-2024 Heard learned counsel for the petitioner as well as

learned counsel for the State respondents.

2. On 22.03.2024, the following order was passed:-

*“Present learned counsel for the petitioner as well as
learned counsel appearing on behalf of State-
respondents.*

*2. Learned counsel for the petitioner submits that the
petitioner is aggrieved by that portion of the order
dismissing the suit of the plaintiffs in default wherein
an assumption has been made by learned trial court
that perhaps compromise might have taken place
between the plaintiffs and defendant. Though the
case of the respondents was dismissed in default,
however, the plaintiffs did not seek restoration of the
suit, the objection of office regarding maintainability
is not tenable since the defendant has not come
against the order dismissing the suit.*

*3. In the light of submission made on behalf of the
petitioner, the office objection is overruled at this
stage.*



4. Since petitioner has come before this Court with limited prayer and the State is represented by the learned counsel, learned counsel for the respondents is directed to seek instruction from his client and address this Court on the next date of hearing.

5. List this matter on 29.03.2024 under appropriate heading.”

3. Learned counsel for the respondents submits that no settlement has taken place between the plaintiff and the defendants outside the Court.

4. Under the aforesaid circumstances, the observation and the presumption of the learned trial court wherein it has recorded a finding that seemingly settlement has taken place between the plaintiff and the defendants outside the Court and for this reason both sides are not willing to proceed with the matter and does not want to contest the case is incorrect.

5. On the above noted short point, the instant miscellaneous petition is allowed and that portion of order dated 04.11.2023 passed by the learned Munsif, Civil court, Aurangabad in Title Suit No. 218 of 2008 is set aside.

(Arun Kumar Jha, J)

balmukund/-

U			
---	--	--	--

