

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Civil Writ Jurisdiction Case No.11892 of 2012**

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Munna Lal Sah Son of late Ram Prit Sah Resident of Mohalla- Hathsarganj,  
Town-Hajipur, Police Station and P.O.- Hajipur, District- Vaishali.

... .. Petitioner/s

Versus

- 1.1. Suresh Sah
- 1.2. Nagendra Sah
- 1.3. Sheela Devi Sons and D/o late vishwanath Sah
- 1.4. Meena Devi Wife of Sheonath Sah
- 1.5. Pankaj Kumar
- 1.6. Uttam Kumar
- 1.7. Anita Devi
- 1.8. Sangita Devi All sons and daughter of late Sheo Nath Sah
- 1.9. Kaushalya Devi wife of late Ganesh Sah
- 1.10. Arbind Sah
- 1.11. Subhash Sah
- 1.12. Anil Sah
- 1.13. Pushpa Devi
- 1.14. Rajmuni Devi
- 1.15. Anjoo Devi All no. 10 to 15 Sons and D/o late Ganesh Sah
2. Mostt. Malti Devi Wife of late Nand Kishore Sah
3. Anand Prakash Gupta Son of late Nand Kishore Sah All are Resident of Mohalla- Hathsarganj Town , Hajipur, P.O. Hajipur, P.S. Hajipur Town, District- Vaishali.
4. Most. Sheopatti Devi Wife of late Ram Prit Sah
5. Shankar Lal Sah Son of late Ram Prit Sah
6. Mohan Prasad Sah Son of late Ram Prit Sah
7. Amar Nath Sah Son of late Ram Prit Sah
8. Sharda Devi Daughter of late Ram Prit Sah
9. Kanti Devi Daughter of late Ram Prit Sah
10. Kaushalya Devi Daughter of late Ram Prit Sah
11. Sita Devi Daughter of late Ram Prit Sah
12. Urmila Devi Daughter of late Ram Prit Sah
13. Rubee Devi Daughter of late Ram Prit Sah All are Resident of Mohalla- Hath Sarganj Town , Hajipur, P.O. Hajipur, P.S. Hajipur Town, District- Vaishali.

... .. Respondent/s



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**Appearance :**

For the Petitioner/s : Mr.Sushil Kumar, Advocate  
For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR**  
**ORAL ORDER**

9      06-02-2024                      Heard the parties.

2. The petitioner has moved the Court for the following reliefs:

*“That the present writ application is being filed for quashing the order dated 14.05.2012 passed by learned Additional District and Sessions Judge IInd Vaishali at Hajipur in Eviction Appeal No. 3/2001 whereby and whereunder by the impugned order the learned court below was pleased to reject the petition of petitioner which was filed under Order XLI Rule of the Code of Civil Procedure for taking additional evidence at appropriate stage.”*

3. Learned counsel for the respondents has submitted that the Eviction Appeal No. 3 of 2001 filed by the petitioner has been dismissed for default on 21.09.2023 by the Additional District & Sessions Judge-III, Vaishali and, therefore, this application has become infructuous.

4. Learned counsel for the petitioner submits that this application be disposed of with liberty to the petitioner to raise all the grounds in the appeal if the same is restored.

5. This application is disposed of with the aforesaid liberty to the petitioner.



6. The copy of the order dated 21.09.2023 produced  
by the learned counsel for the respondents is kept on record.

**(Sandeep Kumar, J)**

P. Kumar

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