

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.2458 of 2023

In
CIVIL REVISION No.14 of 2019

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Gariban Choudhary Son of Late Kisor Passi, Resident of village- Mastpura,
P.S.- Bodhgaya, Dist- Gaya.

... .. Petitioner/s

Versus

1. Most Geeta Devi W/o late Rajkumar Prasad Resident of Mohalla- New Godown lane, P.S.- Kotwali, District- Gaya.
2. Rakesh Kumar S/o Late Raj Kumar Choudhary Resident of Mohalla- New Godown lane, P.S.- Kotwali, District- Gaya.
3. Mukesh S/o Late Raj Kumar Choudhary, Resident of Mohalla- New Godown lane, P.S.- Kotwali, District- Gaya.
4. Suresh Kumar S/o Late Raj Kumar Choudhary, Resident of Mohalla- New Godown lane, P.S.- Kotwali, District- Gaya.
5. Brajesh Kumar S/o Late Raj Kumar Choudhary, Resident of Mohalla- New Godown lane, P.S.- Kotwali, District- Gaya.
6. Rajesh Kumar @ Munna S/o Late Laxmi Narayan Resident of Mohalla- New Godown Lane, P.S.- Kotwali, District- Gaya.
7. Jageshwar Chaudhary Son of Late Kishori Passi, Resident of village- Mastpura, P.S.- Bodhgaya, Dist- Gaya.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rabindra Kumar Priyadarshi
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 26-04-2024 1. The present application has been filed for recall of the order, dated 01.06.2023, passed in Civil Revision No. 14 of 2019 and further to rehear the civil revision application on merit.
2. Civil Revision No. 14 of 2019 was filed by the petitioners-defendants being aggrieved by the judgment, dated 14.05.2018 and decree, dated 25.05.2018, passed by



the learned Execution Munsif, Gaya, in Eviction Case No. 16 of 1998/01 of 1995. Learned Counsel for the petitioner appearing for the petitioners-defendants, in Civil Revision No. 14 of 2019, filed a mentioning slip on 30.05.2023, for withdrawal of the civil revision application, giving reasons in the mentioning slip that the matter has been settled between the parties outside the Court and as such, the petitioners did not want to proceed any further with the matter. The mentioning slip was allowed by this Court and the case was directed to be listed for withdrawal under the heading 'To Be Mentioned' on 01.06.2023.

3. Learned Counsel appearing in the civil revision application on 01.06.2023 sought permission for simple withdrawal on the ground that the matter has been settled between the parties and the same was allowed by this Court and the civil revision application was dismissed as withdrawn.
4. Now, the present recall petition has been filed by another learned Counsel on behalf of one of the petitioners of Civil Revision No. 14 of 2019, namely, Gariban Choudhary, for recall of the order, dated 01.06.2023 and for re-hearing of the case on merit. It has been submitted



that the plaintiffs-opposite parties deviated from their commitment/settlement and the petitioners were forcibly dispossessed from the house, in question, which is completely illegal inasmuch as the compromise has been arrived among the parties having the condition not to disturb the petitioners-defendants from the house, in question. The petitioner has been put in critical position, which cannot be compensated by any other means, save and except by recalling of the order, dated 01.06.2023.

5. I have heard learned Counsel for the petitioner.
6. In my opinion, the ground for recall of the order, dated 01.06.2023, passed in Civil Revision No. 14 of 2019 is not sufficient and that too by another Counsel.
7. Accordingly, I do not find any reason to recall the order, dated 01.06.2023, passed in Civil Revision No. 14 of 2019.
8. This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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