

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.34 of 2023

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Fulpati Devi Wife of Rambilash Prasad Resident of Vilage-Sujaw, P.S.-
Nautan, Duistrict-Siwan.

... .. Petitioner

Versus

- 1.1. Fulmati Devi Wife of Late Vishwanath Prasad Resident of Village- Chhap,
P.S.- Mirganj, District- Gopalganj.
- 2.1. Kusum Devi Wife of Late Munna Kumar Resident of Village- Gaur Bazar,
P.S.-Gautam Budh Nagar, Tarwaa, District- Siwan.
- 2.2. Nandani Kumar (Minor) D/o- Late Munna Kumar Represented with their
natural guardian, resident of Village- Gaur Bazar, P.S.-Gautam Budh Nagar,
Tarwaa, District- Siwan.
- 2.3. Radhika Kumari (Minor), D/o Late Munna Kumar Represented with their
natural guardian, resident of Village- Gaur Bazar, P.S.-Gautam Budh Nagar,
Tarwaa, District- Siwan.
- 2.4. Anamika Kumari (Minor) D/o Late Munna Kumar Represented with their
natural guardian, resident of Village- Gaur Bazar, P.S.-Gautam Budh Nagar,
Tarwaa, District- Siwan.
- 2.5. Anshu Kumar (Minor) Late Munna Kumar Represented with their natural
guardian, resident of Village- Gaur Bazar, P.S.-Gautam Budh Nagar, Tarwaa,
District- Siwan.

... .. Respondents

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Appearance :

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

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 08-07-2024 Heard learned counsel for the petitioner.

02. Earlier notices were issued to the respondents,
who received their notices but did not appear in the matter.

03. The petitioner is aggrieved by the order dated
28.01.2020 passed in Title Suit No. 701 of 2012 by the learned
Sub-Judge-IX, Gopalganj whereby and whereunder the learned
trial court allowed the application filed under Order-I Rule 10 of
the Code of Civil Procedure by the intervenor, Munna Kumar,



who was original respondent no. 2 of the present case, for his impleadment.

04. Perusal of the impugned order shows it is a completely non-speaking and cryptic order wherein neither the facts of application moved before it nor the facts of the rejoinder to the application have been taken into consideration. For this reason, the impugned order could not be sustained. Hence, the order dated 28.01.2020 passed in Title Suit No. 701 of 2012 is set aside and the matter is remanded to the learned trial court for consideration afresh and with further direction to pass reasoned and speaking order within a month from the date of receipt/production of a copy of this order.

05. Since the suit pending before the learned trial court is of the year 2012, the learned trial court will proceed in the matter on urgent basis and dispose of the suit pending before it within a year from the date of receipt/production of a copy of this order.

06. With the aforesaid observation, the present petition stands disposed of.

(Arun Kumar Jha, J)

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