

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.2027 of 2017**

1. Bhagwat Prasad Singh Son of Late Ganesh Prasad
2. Baleshwar Prasad @ Baleshwar Kumar Singh
3. Yogendra Prasad @ Yogendra Kumar Singh Both Son of Bhagwat Prasad.
4. Lallan Prasad, Son of Late Radhe Prasad,
5. Sonia Kuwar, widow of Late Ram Nath Prasad, All Residents of Village- Tarawa, Police Station- Siwan Muffasil, District- Siwan.

... .. Petitioner/s

Versus

1. Dhruv Deo Prasad
2. Dharm Deo Prasad Both Son of Baijnath Prasad
3. Santosh Prasad Son of Late Mukti Prasad, Residing of Village- Tarwa, P.S. Siwan, Muffasil, District Siwan.
4. Sanjay Yadav, Son of Late Sukhdeo Prasad
5. Pratima Kuwar, Wife of Subhas Prasad
6. Akhilesh Prasad, Son of Late Kapildeo Prasad,
7. Raju Prasad, Son of Late Kapil Prasad
8. Bharat Prasad, Son of Late Mukti Nath Prasad
9. Kuwar Prasad, Son of Late Gajadhar Prasad
10. Parshuram Prasad, Son of Late Gajadhar Prasad
11. Vinod Prasad, Son of Late Gajadhar Prasad
12. Sakaldeo Prasad, Son of Baijnath Prasad, All Resident of Village- Tarwa, P.O.- Tarwa, P.S. Siwan, District- Siwan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kamala Kant Tiwary, Advocate
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 08-07-2025

Heard learned counsel for the petitioner and I intend
to dispose of the petition at the stage of admission itself.

2. The petitioner is aggrieved by the order dated
15.11.2017 passed by learned Sub Judge-I, Siwan whereby and



whereunder the learned trial court allowed the application for recall of date already fixed in the case in order to hear the injunction application filed by the plaintiff/respondents.

3. Learned counsel for the petitioner submits that recalling of the date fixed on 15.11.2017 is not proper and correct as the date was already fixed for 24.01.2018 but the learned counsel fails to apprise this Court as to what harm/prejudice has been caused to the petitioner by recalling the order and fixing the date prior to the date already fixed in the case since no effective order has been passed on 15.11.2017. Moreover, the copy of the application filed for recalling the date has been served upon the learned counsel for the defendants/petitioners and the parties were heard partially on the injunction petition. Thereafter, this civil miscellaneous petition has been pending in this Court since the year 2017. If no prejudice was caused to the defendants/petitioner by the order date 15.11.2017, rushing to this Court in such haste is without any rhyme and reason. Moreover the next date has been fixed on 20.11.2017 and thereafter almost eight years have passed. It goes without saying that whatever fear the petitioner was having due to recall of date is surely unfounded. Moreover the matter has become infructuous.



4. Therefore, in the light of the aforesaid facts and circumstances, finding no merit in the aforesaid petition, the same is dismissed.

(Arun Kumar Jha, J)

anuradha/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	10.07.2025
Transmission Date	N/A

