

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.543 of 2019

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Mohamad Samsad Alam Son of Wasarat Hussain Resident of Village-Jehana,
P.S.-Anti, P.O.-Daurawan, District-Gaya (Bihar).

... .. Petitioner/s

Versus

1. Suresh Paswan Son of Late Ram Briksh Paswan Resident of Village-Jehana,
P.S. Anti, P.O. Daurawan, District-Gaya (Bihar).
2. Naresh Paswan Son of Late Ram Briksh Paswan Resident of Village-Jehana,
P.S. Anti, P.O. Daurawan, District-Gaya (Bihar).
3. Awadhesh Paswan Son of Late Ram Briksh Paswan Resident of Village-Jehana,
P.S. Anti, P.O. Daurawan, District-Gaya (Bihar).
4. Hiramani Devi Wife of Rajendra Paswan Resident of Village-Mahasi, P.S.
Obra, District-Gaya (Bihar).
5. Lalmuni Devi Wife of Nand Lal Paswan Resident of Village-Koiri Bigha,
P.S.-Gurua, District-Gaya (Bihar),
6. Kavita Devi Wife of Awadhesh Paswan Resident of Village-Jehana, P.S.
Anti, P.O. Daurawan, District-Gaya (Bihar).

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Abhishek, Advocate
For the Respondent/s : None

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 08-08-2025 Heard learned counsel for the petitioner. Despite a

number of opportunities, no one appeared on behalf of the

respondents.

2. The present petition has been filed by the petitioner
who is defendant no. 5 before the learned trial court for setting
aside the order dated 05.02.2019 passed by learned Sub Judge-
IV, Gaya in Partition Suit No. 168 of 2013/706 of 2013 whereby



and whereunder application filed by the petitioner under Order VI Rule 17 read with Section 151 and Order VIII Rule 6(A) of the Code of Civil Procedure has been rejected.

3. At the outset, learned counsel for the petitioner submits that the impugned order is completely cryptic order whereunder mentioning the submission of the parties, the application of the petitioner has been rejected stating it to be not maintainable.

4. On perusal of the impugned order, I find truth in the submission of learned counsel for the petitioner. It appears from the impugned order that after citing certain authorities and their paragraphs, the learned trial court went on to dismiss the petition of the petitioner dated 27.09.2018.

5. The Hon'ble Supreme Court in the case ***Raj Kishore Jha vs. State of Bihar And Ors.***, reported in **2003 (11) SCC 519** has held that the reason is the heartbeat of every conclusion. Without the same, it becomes lifeless and for this reason the approach of the learned Sub Judge-IV, Gaya could not be appreciated. Further, the Hon'ble Supreme Court in the case of ***Kranti Associates Private Limited & Anr. Vs. Masood Ahmed Khan & Ors.***, reported in **(2010) 9 SCC 496** has held that reasons in support of decisions must be cogent, clear and



succinct. A pretence of reasons or “rubber-stamp reasons” is not to be equated with a valid decision-making process. The aforesaid decisions of Hon’ble Supreme Court stress upon the importance of reasoned judicial orders and have discussed elaborately why reasoning is the soul and heart of the justice. Therefore, I have no hesitation in holding that the orders disposing of the application of the petitioner without recording reasons in support of conclusion arrived at in the order and failure to record the reasons would make the orders unsustainable. Not recording the reasons in fact amounts to denial of justice whether it is an administrative authority, quasi judicial body or a judicial body. The aforesaid authority could not pass orders without assigning reasons in support of their conclusion, more so, a judicial authority. A non-speaking and cryptic order without assigning reasons may not be allowed to stand.

6. Hence, without going into the merits of the case, impugned order dated 05.02.2019 passed by learned Sub Judge-IV, Gaya in Partition Suit No. 168 of 2013/ 706 of 2013 is set aside and the matter is remanded to the learned trial court for deciding the application dated 27.09.2018 filed by the petitioner for consideration afresh within a period of one month from the



date of receipt/production of a copy of this Court.

7. Accordingly, the present petition stands allowed.

(Arun Kumar Jha, J)

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