

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.396 of 2021

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Anil Singh @ Anil Kumar Son of Late Shyamlal Mahto @ Shyamlal Singh,
resident of Village - Kuraich at present Ward No. -24, Mohalla - Kuraich
P.S. /P.O.- Sasaram, District - Rohtas.

... .. Petitioner/s

Versus

1. Rajendra Mahto Son of Late Mukhlal Mahto, resident of Village - Kuraich at present Ward No. - 24, Mohalla - Kuraich, P.O. and P.S.- Sasaram, District - Rohtas.
2. Subhash Kumar, Son of Late Ramadhar Singh, resident of Village- Gopalpur, P.O. - Tarar, P.S.- Nokha, District - Rohtas.
3. Pramod Singh, Son of Late Ramadhar Singh resident of Village - Gopalpur, P.O. - Tarar, P.S.- Nokha, District - Rohtas.
4. Binod Singh, Son of Late Ramadhar Singh, resident of Village - Gopalpur, P.O. - Tarar, P.S.- Nokha, District - Rohtas.
5. Ajay Kumar, Son of Surajbansh Mahto, resident of Village- Dhaudar, P.S- Sasaram, District - Rohtas.
6. Mantu Kumar Son of Surajbansh Mahto, resident of Village- Dhaudar, P.S- Sasaram, District - Rohtas.
7. Kameshwar Mahto Son of Late Mukhlal Mahto @ Surendra Mahto, at present resident of Village- Kuraich, Ward No. - 24, Mohalla - Kuraich, P.O. and P.S.- Sasaram, District- Rohtas.
8. Sunil Singh, Son of Late Shyamlal Mahto @ Shyamlal Singh, resident of Village - Kuraich, Ward No. - 24, Mohalla - Kuraich, P.O. and P.S.- Sasaram, District - Rohtas.
9. Niranjana Kumar, Son of Late Shyamlal Mahto @ Shyamlal Singh, resident of Village - Kuraich, Ward No. - 24, Mohalla - Kuraich, P.O. and P.S.- Sasaram, District - Rohtas.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Vivekanand Vivek, Advocate Mr. Rang Nath Pandey, Advocate
For the Respondent/s	:	Mr. Ramchandra Singh

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CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

6 19-08-2025 Heard the parties.

2. The present Miscellaneous Application has been
preferred for quashing the order dated 05.08.2021 passed by the



learned Sub-Judge-10, Sasaram in Title Suit No. 169/2007, consequently the order dated 16.03.2021 also, whereby and where under application to recall the order dated 16.3.2021 and closing the evidence of the defendant Nos. 9 to 11 was rejected by the learned court below without assigning any reason, despite the restrictions and guidelines imposed by the Government during the Covid-19 Pandemic period.

3. Learned counsel for the petitioner submits that Title Suit No. 169/2007 has been filed by the plaintiff/respondent in which he is one of the defendant and presently this case is going on for the evidence of defendant no. 1.

4. From perusal of the impugned order dated 16.03.2021, it appears that time petition filed on behalf of petitioner/defendant Nos. 7 to 9 was rejected and his evidence was closed and when the application for recall the said order was filed on behalf of the petitioner/defendant, the same was also rejected vide order dated 05.08.2021. He also submits at that time the corona epidemic was in vogue and he has also filed written statement. It is also essential to consider here that to substantiate and prove the facts mentioned in the written statement evidence is essential to come on the record for proper adjudication of this case.



5. Keeping in view the aforesaid fact, the order dated 05.08.2021 and order dated 16.03.2021 is set aside. The petitioner is directed to conclude his evidence within three months from receipt/production of this order.

6. The learned trial court is also directed to dispose of the suit expeditiously preferably within one year from the date of receipt of copy of this order.

7. Accordingly, the present Civil Miscellaneous No. 396 of 2021, stands disposed of.

(S. B. Pd. Singh, J)

Ranjeet/-

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