
(2006) 08 PAT CK 0091
In the Patna High Court
Case No : C.R. No. 1826 of 2005

Most. Paspati Devi and Anr

APPELLANT

Vs

Upendra Singh and Others

RESPONDENT

Date of Decision : 18-08-2006

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Order 9 Rule 13

Citation : (2007) 1 PLJR 195

Hon'ble Judges : Navaniti Pd. Singh, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Navaniti Pd. Singh, J.—Heard. This revision application has been filed against the appellate order by which the application under Order 9 Rule 13 C.P.C, for recalling the ex parte judgment and decree has been allowed. The defendants had appeared in the suit and filed their written statement then that sought time to file additional written statement but thereafter it is stated that the Karta of the defendants who was managing affairs for the defendant fell ill and could not take further step, as such, they were debarred from the filing of further additional written statement and participating in the proceeding any further. The trial court did not accept the application for setting aside the judgment and decree passed ex parte but the appellate court considered the evidences in detail and was satisfied that there was good and sufficient ground for setting aside the ex parte judgment and decree and thus allowed the appeal. Having heard the parties and perusing the judgment under challenge I find there is no jurisdictional error in the order impugned. This court is not sitting in appeal over the appellate order. However, I direct that as the suit is of the year 1986 i.e., 20 years old, the same should be taken up on priority basis and parties will co-operate and see that the entire proceedings are concluded without any delay preferably within a period of six months.

2. With this observation, this revision application is dismissed.