

(2009) 02 PAT CK 0005
In the Patna High Court
Case No : CR No. 178 of 2009

Pashupati Nath Singh and Dharamnath Singh	APPELLANT
Vs	
Musmat Kusum Kunwar and Others	RESPONDENT

Date of Decision : 04-02-2009

Acts Referred:

Citation : (2009) 2 PLJR 298

Hon'ble Judges : Ravi Ranjan, J

Bench : Single Bench

Advocate : B.N. Mishra, for the Appellant;

Final Decision : Dismissed

Judgement

Dr. Ravi Ranjan, J.—Heard Shri B.N. Mishra, learned counsel for the petitioners. The petitioner is aggrieved by the order dated 12.12.2008 passed by the Munsif 2nd, Chapra, District Siwan in Title Suit No. 110 of 1996 whereby the prayer of defendants No. 1 and 2/petitioners for allowing them to deposit the cost awarded as per the order dated 26.5.2003, has been refused.

2. Learned counsel for the petitioners submits that though there was delay in filing the written statement and even after the filing of the written statement, cost was not deposited in time but the same could not be done due to the fact that there was possibility of compromise between the parties. When the talks of compromise failed, the petitioners sought leave of the Court to deposit the cost so that the written statement filed on 1.1.2005 could be accepted by the court below.

3. From the impugned order dated 12.12.2008, it appears that on 26.5.2003 these defendants/petitioners had been directed by the court to file the written statement subject to depositing cost of Rs. 500/-. The defendants/petitioners did not comply the order and after about more than two years, on 8.8.2005 written statement was filed but the cost was not deposited. Thereafter, prayer was made on 12.12.2008 i.e. after more than five years by filing a petition which has been

brought on record of this Civil Revision as Annexure-1, to allow these defendants/ petitioners to deposit the cost imposed as above. The trial court has refused the prayer in the interest of justice after observing gross and willful negligence on the part of the defendants/petitioners. From the petition dated 12.12.2008 (Annexure-1) also, it appears that no explanation for delay has been made by the defendants/ petitioners.

4. In view of the aforesaid, I am of the opinion that there is no illegality or jurisdictional error in the impugned order dated 12.12.2008 warranting interference of this Court in its revisional jurisdiction. As a result, this Civil Revision is dismissed.