

IN THE COURT OF SUB JUDGE-I, JAGDISHPUR

T.S. Case No. 208/1997

CIS No. 208/1997

Date of Order or Proceeding	Order with the Signature of the Court	Office action taken with
10/08/2023	<p>Both sides have filed their hazri. Case called out. On call Ld. Advocate of both sides appeared. Heard Ld. Advocate of both sides on defendant's petition dated 07.02.2023 & 10.08.2023 and rejoinder thereon dated 10.08.2023.</p> <p>Ld. Advocate of defendant Jitendra Thakur, Manju Devi and Panna Kumari submitted that these defendants are substituted in place of their deceased father Ram Singhasan Thakur and Ram Singhasan Thakur was contesting the suit by filing his written statement and substituted defendants willing to adopt his father's written statement. Ld. Advocate of defendants submitted that these defendants have filed the petition for the same first time on 07.02.2023 through their Advocate and again today substituted defendants filing the said petition with their signature.</p> <p>Ld. Advocate of plaintiff opposed the said petition and submitted that defendant no. 6 was appeared on 14.12.2022 and defendant no. 2 to 5 and 7 to 10 appeared on 23.12.2022 and filed the time petition for filing their written statement thereafter again defendants filed the time petition on dated 31.01.2023 which allowed on cost of Rs. 100/- and today defendant no. 5, 6 and 8 filed a petition for accepting their father's written statement after the laps of 8 months therefore their petition dated 10.08.2023 is not maintainable and prayed for rejecting the said petition with cost.</p> <p>Heard and perused the case record. From the perusal of case record, it transpires that defendants have filed a petition saying that they are willing to adopt the written statement filed by their father Ram Singhasan Thakur on dated 07.02.2023 but said petition is neither signed by the defendants nor supported with affidavit but thereafter again defendants Jitendra Thakur, Manju Devi and Panna Kumari appeared today and filed their petition with affidavit and requested for permission to adopt the written statement filed by their father Ram Singhasan Thakur on dated 13.07.2006. This is the established principle of law that any issue shall be decided on its own merit not on technical ground.</p> <p>Therefore, in the facts and circumstances mentioned above, petition of defendants dated 02.08.2023 & 10.08.2023 allowed. Further from the perusal of case record, it transpires that other defendant no. 2,3,4,7,9 and 10 have appeared on dated 23-12-2022 but they have not filed their written statement as yet, therefore, these defendants debarred from filing the written statement.</p> <p style="text-align: center;">Put up on 11-08-2023.for defendant's evidence. Dictated</p> <p style="text-align: center;">Sub Judge I, Jagdishpur.</p>	

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