

IN THE COURT OF Civil Judge (Sr. Div.)-I, PIRO, BHOJPUR

Misc Suit No. 5 of 2025

[For restoration of Title Suit No. 229 of 2022]

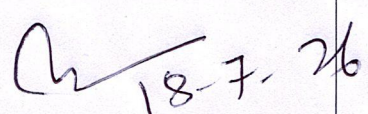
Vrinda Pandey

.....**Applicant**

Versus

Kishun Kumar Pandey & ors.

.....**Opposite Parties**

Sl. no.	Date of order of proceeding	Order with signature of the Court
1	2	3
18.07.2026	Attendance has been filed on behalf of applicant through learned counsel. The ld. counsel on behalf of applicant Mr. Tarkeshwar Pandey prayed that this misc. case has been brought for restoration of T.S. 229 of 2022. The learned counsel for the applicant argued that the applicant had filed title suit 229 of 2022 and the record was pending for hearing on a transposed petition filed on behalf of defendant no. 1. During the pendency of that suit, the applicant, being an old aged man; in January, 2024 went to stay with his son outside the town so he could not file the attendance and he could not do proper <i>pairvi</i> so the case was dismissed on 07.01.2025 for the reason. Heard the learned counsel for the applicant Mr. Tarkeshwar Pandey and perused the case record. From perusal of the record of T.S. 229/2022 and order dated 07.01.2025 passed in T.S. 229/2022. It appears that due to non-<i>pairvi</i>, the case was dismissed and this Misc. Case No. 5/2025 has been filed for restoration of T.S. 229/2022. From perusal of record, it transpires that the case was at the stage of hearing on petition filed under Order XXIII Rule 1A read with Section 151 C.P.C. but the plaintiff left the <i>pairvi</i>. The applicant has adduced two oral evidence namely A.W. 1 Vrinda Pandey, A.W. 2 Harendra Singh and no documentary evidence was adduced on his behalf. The applicant was examined who has supported his case and reiterated the same version. The suit was dismissed on 07.01.2025 and this application for restoration of the suit was brought on 05.02.2025. The application has been brought within 29 days and the application (misc. 5/2025) has been filed within time. The applicant is stated to be old man. The law requires that every dispute should come to an end after its due adjudication and the technicalities of procedural law must not be made a hindrance in getting substantive justice. It appears to this Court that to the larger extent the applicant has been successful in showing the sufficient cause for such failure. Thus, in the interest of justice and for proper adjudication of the dispute, the prayer of the applicant in Misc. Case No. 5/2025 is allowed at the cost of Rs. 300/- to be deposited in <i>Nazarat</i> of this Court and T.S. 229/2022 is hereby ordered to be restored. Accordingly, the dismissal order dated 07.01.2025 is hereby set aside and misc. case no. 5/2025 is hereby disposed of in terms of above order. Put up on 24.08.25 24.08.26 for further proceeding in T.S. 229/2022 after compliance of above direction. Let the copy of the order be uploaded on CIS.  Civil Judge (Sr. Div.)-I, Piro, Bhojpur	