

IN THE COURT OF Civil Judge (Sr. Div.)-I, PIRO, BHOJPUR
Misc Suit No. 25 of 2016

[For restoration of Title Suit No. 386 of 1999]

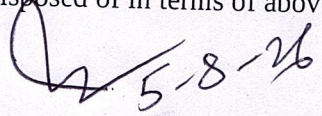
Manoj Kumar Singh & ors.

.....Plaintiffs

Versus

Most Prabhawati Kunwar & ors.

.....Defendants

Sl. no.	Date of order of proceeding	Order with signature of the Court
1	2	3
05.08.2026	Attendance has been filed on behalf of applicant and O.P. through learned counsels. The ld. counsel on behalf of applicant Mr. Uttam Prasad prayed that this misc. case has been brought for restoration of T.S. 386 of 1999. The learned counsel for the applicant argued that the applicant had filed title suit 386 of 1999 and the record was pending at the stage of hearing on amicable settlement as per Section 89 C.P.C.. The applicant is doing private job at Bokaro (Jharkhand) during that period applicant had been suffering from Jaundice on 20.06.2016 and could not file the attendance and he could not do proper <i>pairvi</i> so the case was dismissed for the reason. Heard the learned counsel for the applicant Mr. Uttam Prasad and Mr. R.K. Chaudhary on behalf of defendant no. 1k & 7 and perused the case record. From perusal of the record of TS. 386/1999, and certified copy of order dated 27.06.2016 passed in TS. 386/1999, it appears that the case was transferred from Civil Court Bhojpur to Sub Divisional Court, Piro on 21.07.2015 and received to this Court on 30.07.2015. T.S. 386/1999 was taken up before this Court for hearing only for 09 dates i.e. 11.09.2015, 06.10.2015, 07.12.2015, 09.02.2016, 01.03.2016, 29.03.2016, 11.05.2016, 08.06.2016 & 27.06.2016 and due to non-<i>pairvi</i>, the case was dismissed on 27.06.2016 and this Misc. Case No. 25/2016 has been filed for restoration of TS. 386/1999 on 30.08.2016. From perusal of record, it transpires that the case was at the stage of hearing on amicable settlement as per Section 89 C.P.C. and the issue has not been settled but the plaintiff left the <i>pairvi</i>. The ld. counsel for the applicant has filed photocopy of medical certificate dated 26.08.2016 but the same has not been produced as evidence. The applicant has adduced only one oral evidence and no documentary evidence was adduced on his behalf. The applicant A.W.-1 Manoj Kumar Singh was examined who has supported his case and reiterated the same version. The opposite party has adduced only one witness namely O.P.-1 Ram Bachan Singh. This suit was dismissed on 27.06.2016 and this application for restoration of the suit was brought on 30.08.2016. The application has been brought within 64 days and there is huge gap of 64 days in filing this misc. case. 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. Thus, in the interest of justice and for proper adjudication of the dispute, the prayer of the applicant in Misc. Case No. 386/1999 is allowed at the cost of Rs. 1500/- to be deposited in <i>Nazarat</i> of this Court and Title Suit 386/1999 is hereby ordered to be restored. Accordingly, Misc. Case No. 25/2016 is hereby disposed of in terms of above order. Let the copy of the order be uploaded on CIS.  Civil Judge (Sr. Div.)-I, Piro, Bhojpur	