

pending for service report of summons issued against the defendant but report has not been come on record and in the meanwhile the plaintiff remained absent. But, the applicant failed to bring any material in support of the alleged fact that he and his concerned counsel remained ill whereas the medical certificate filed by the applicant seems to be not proper. Therefore, considering the existing facts on the record and nature of the case it appears that, in interest of justice a chance should be given to the plaintiff to contest the title suit so that the dispute between the parties could be settled finally. Hence, in interest of justice, the present miscellaneous application of the applicant, after condoning the delay, is allowed with cost of rupees 1500. And herby, the original Title suit 177 of 2017 is ordered to be restored. Accordingly, this miscellaneous petition is disposed of.

SUB-JUDGE -III
DUMRAON, BUXAR