

In the Court of Sub Judge-II, Benipur

Present:- Pranav Kumar Bharti

Title Suit No.-64 of 2017, Registration No.-77/17

Ashok Kumar Singh & Others vs. The State of Bihar & Other

03-08-2021

Case is called out and record is produced before me. An attendance is filed on behalf of the Intervenor Defendant No.-4 and the State of Bihar while Plaintiffs and other defendants are absent. On perusal of the case record, it appears that W.S. is filed on behalf of the Intervenor Defendant No.-4 and its copy has been supplied to the learned counsel of the plaintiffs as well as to the Ld. A.G.P. Heard the learned counsels of Plaintiffs, Ld. A.G.P. and Intervenor Defendant No.-4 through V/C. Contention of the learned counsel of the Intervenor Defendant No.-4 is that this Intervenor Defendant No.-4 was allowed to be made party to this suit on 01.03.2021 and proceedings of the Court have been disturbed due to lock-down in the surge of Global pandemic Covid-19, therefore, this defendant couldn't file the W.S. within time. Further contention of the learned counsel of the Intervenor Defendant No.-4 is that this delay has not been caused knowingly, so delay in filing of W.S. be condoned. On the contrary, learned counsels of the plaintiff and defendant, the State of Bihar contended that Intervenor Defendant No.-4 filed the W.S. after much delay.

On perusal of the case record, it further appears that a petition U/O-22, Rule-10A is also been filed by the learned counsel of Intervenor Defendant No.-5 stating therein that Intervenor Defendant No.-5 namely Jageshwar Pathak died on 11.05.2021, so he has filed this petition for information.

On hearing and perusal of the case record, it transpires to the Court that both Intervenor Defendant No.-4 & 5 were allowed to be made the party vide order dated-17.02.2021 and their name were incorporated in the array of defendant in the plaint on 01.03.2021. Out of the Intervenor Defendant No.-4 filed W.S. today by praying the condonation of delay due to Covid-19.

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Continue.....

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Continued..... Though, W.S. filed on behalf of the Intervenor Defendant No.-4 after the stipulated period of filing the same, yet keeping the situation of Lock-down due to the Global pandemic of Covid-19 in mind, W.S. filed on behalf of the Intervenor Defendant is accepted with cost of Rs.-150/-only. So far as the a petition U/O-22,Rule-10A is also been filed by the learned counsel of Intervenor Defendant No.-5 is concerned, the plaintiff is directed to take proper steps in this regard.

Fixing on 25.8.21..... for taking steps on behalf of the plaintiff.

Dictated

Sub Judge-II