

In the Court of Sub-Judge-I, Sonepur
Sub-Divisional Civil Court, Sonepur at Saran

Title Suit No. 100112 of 2018

Order

Moti Lal Soni Vs Shailesh Singh & Others

Dated 10/03/2026.

Perused the record and the petition filed by the plaintiff under Section 151 of the Code of Civil Procedure for restoration of the suit. It appears from the record that originally Title Suit No. 100112 of 2018 was pending in the Court of Sub-Judge-I, Sonepur at Saran. During pendency of the suit, by Order No. 208 G/ 2024 dated 06.08.2024 passed by the learned District & Sessions Judge, Saran at Chapra, Title Suit No. 112 of 2018 was transferred to the Court of Sub-Judge-II, Sonepur. It further appears that in the Court of Sub-Judge-I two suits were running with similar number, namely Title Suit No. 112 of 2018. For the purpose of proper identification, one of the suits was renumbered as Title Suit No. 100112 of 2018.

However, due to inadvertence and office mistake, not only Title Suit No. 112 of 2018 but also Title Suit No. 100112 of 2018 was transferred to the Court of Sub-Judge-II, Sonepur, though the transfer order related only to Title Suit No. 112 of 2018. Subsequently, in the Court of Sub-Judge-II, Sonepur, due to absence of both parties and lack of pairvi, the suits were dismissed for default on 08.08.2025. From the CIS record it further transpires that only Title Suit No. 112 of 2018 was shown to have been transferred from this Court, whereas Title Suit No. 100112 of 2018 continued to be shown as pending in this Court. When the record of Title Suit No. 100112 of 2018 was searched in this Court, it could not be traced out. Thereafter, on enquiry in the Court of Sub-Judge-II, it was found that the said record had also been transmitted there and had been dismissed for default along with Title Suit No. 112 of 2018 on 08.08.2025.

The plaintiff has filed the present petition stating that the transfer of Title Suit No. 100112 of 2018 was wholly inadvertent and beyond the scope of the transfer order and that the plaintiff had been diligently pursuing in this case before this Court. The dismissal of the suit occurred due to the aforesaid office mistake and lack of knowledge regarding transmission of the record. Considering the facts and circumstances stated above, it appears that the dismissal of the suit occurred due to inadvertent office error and not due to any deliberate lapse on

the part of the plaintiff. In the interest of justice, it is necessary that the matter be decided on merits.

Accordingly, the petition filed under Section 151 CPC is allowed. The order dated 08.08.2025 dismissing the suit for default is occurred due to an inadvertent clerical mistake and not by virtue of any judicial transfer order. Hence the dismissal of the present miscellaneous suit number 100112 of 2018 by the court of Judge -2 cannot operate at a valid disposal of this proceeding pending before this court . Hence the suit is restored to its original form and number. Let also seen the record to the Ld advocate of the defendant.

Put up the suit for further proceedings on the next date.....

Office is directed to make necessary correction in the register as well as in the computerized record and also let a copy of this order be communicated to the court of Sub-Judge-II, Sub-Divisional Civil Court, Sonpur for information and necessary record correction.

Sub-Judge-I
Sub-Divisional Civil Court
Sonpur at Saran