

In the court of Munsif, Nawada

Misc Case No-29/2022

C.I.S-29/2022

01.03.2024

Applicant is in attendance and the record is placed before this court for passing an order on the point of restoration of T.S No-495/2016 which was dismissed on 14.11.2022 at the stage of admission. The contention of the applicant is as fallows that T.S No-495/2016 was for hearing an admission, but the lawyer concerned was engaged in other work and meanwhile the suit was called for and gettging no response from the side of the plaintiff it was dismissed, although haziri was filed by the petitioner. The court fee and other relevant documents was already filed, if T.S No-495/2016 is not to be restored, then applicant would be put in irreparable loss. Applicant will be more careful and prompt in future and will not committ such types of mistake again.

Applicant has adduced only one witness A.W-1 Bharat Bhusan prasad on 03.02.2024. He has supported all those facts which are discribed in the plaint of the misc suit. In his cross has urged that he is willing to contest the suit, if it is not restored, he will have to suffer irreparable loss.

Perused the record and the material available on it with the diposition of A.W-1. T.S No-495/2016 was dismissed on 14.11.2022 when it was at the stage for hearing on admission. Pairvi was done but no one was present when the case was called for admission and in non interest of the plaintiff in the suit, it was dismissed on default.

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01.03.2024 Applicant committs that he will be watchfull and prompt in future and do not repeat such types of errors and he wants to contest the suit to avoid the ill consequences of irreparable loss.

Considering the all facts and circumstances of the case and the materials on it and in the ends of justice and for the complete adjudication of the suit this misc petition is allowed and the T.S No-495/2016 is restored to it's original status, with a cost of Rs 1000/- which will be deposited in D.L.S.A. Nawada.

Put up the record of T.S No-495/2016 on 16.04.2024 for hearing at the point of admission plaintiff is directed to do proper pairvi in the suit.

(Dictated)

SD/-
Munsif, Nawada