

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10618 of 2014

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Narayan Yadav & Ors

.... Petitioner/s

Versus

Shailendra Kumar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 09-12-2015

At the time of hearing of the Interlocutory Application

No.8664 of 2015 the learned counsel for the petitioners submitted that this writ application itself may be heard on merit in admission matter. Accordingly, I heard him on merit in admission matter.

By the impugned order dated 21.05.2014 the court below has rejected the application filed by the defendants-petitioners for recall of the order dated 10.04.2014.

From perusal of the order, it appears that the court below passed a reasoned order and held that since 08.04.2013 the defendants-petitioners were directed to produce evidence and eleven witnesses have already been examined. On 16.08.2013 last chance was given to them for production of witnesses and again on 28.04.2014 nobody appeared nor any application was pressed for time. Rs.400/- cost was awarded. The court below also observed that in spite of sufficient time granted to the petitioners

they did not produce evidence and on 12.05.2014 only a formal witness was examined. In fact the case of the petitioners has already been closed on 10.04.2014. Therefore, considering all these aspects of the matter on the basis of the record the court below has rejected the application to recall the order dated 10.04.2014. In my opinion, therefore, the order passed by the court below itself based on record cannot be interfered with in supervisory jurisdiction.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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