

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1615 of 2014

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Shiv Lal Raut

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha

For the Respondent/s : Mr. Ga-8 Sandeep Kumar

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 11-12-2015

Heard learned counsel Mr. Anant Kumar Bhaskar for the petitioner and learned A.C. to G.A. 9 on behalf of the respondents.

2. This Court by Annexure-2 i.e. order dated 29.01.2013 passed in Civil Revision No.107 of 2012 with Civil Revision No.05 of 2012 directed the court below to decide the limitation application filed by the State of Bihar in Miscellaneous Case No.03 of 2010 which was filed by the State of Bihar under Order 41 Rule 19 CPC. The court below still today has not passed any order on the limitation application according to the direction of this Court. At this stage the petitioner filed the application for calling for some document of Additional Collector, Madhubani. By the impugned order dated 06.11.2013 passed in Miscellaneous Case No.03 of 2010 the 1st Additional District Judge, Madhubani has rejected the said application.

3. According to the learned counsel for the petitioner, earlier the said authorities had decided not to file restoration application and, therefore, the petitioner filed the application for calling for the records/documents/orders passed by Additional Collector but the court below has rejected the application on technical grounds.

4. Admittedly earlier the miscellaneous case was admitted after condoning the delay. In the aforesaid two revision applications this Court directed the court below to proceed ahead but first should dispose of the limitation application that has been filed by the State of Bihar after hearing the present petitioner. At this stage, therefore, the documents sought to be called for by the petitioner have got no relevancy while deciding the limitation application.

5. In such circumstances, I find no reason to interfere with the impugned order in supervisory jurisdiction under Article 227 of the Constitution of India and thus this writ application is dismissed.

(Mungeshwar Sahoo, J)

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