

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6536 of 2011

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1. Chhabila Rai S/O Late Jhingan Rai Resident Of Village + P.O. Baijnathpur, P.S. Chiraiya, District East Champaran.

.... Defendant- Petitioner

Versus

1. Dip Lal Rai S/O Shri Awatar Rai Resident of Village + P.O. Baijnathpur, P.S. Chiraiya, District East Champaran.

2. Raj Kishore Rai S/O Shri Thakur Rai Resident Of Village Sunderpur, Babhaunili, Tola Amgachi, P.S. Chiraiya, P.O. Chiraiya, District East Champaran.

.... Plaintiffs- Respondents

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Appearance :

For the Petitioner/s : Mr. Sri Prakash Srivastava, Advocate.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 28-08-2015

Heard Mr. S.P. Srivastava in support of the writ application, which has been filed aggrieved by the order dated 26.7.2010 passed in Misc. case no. 127 of 2006 arising out of Title suit no. 377 of 2002. The Misc. case was instituted for retrieval of records of Partition suit no. 95 of 1963. The District Judge disposed of the matter observing that the issue raised therein shall be considered by him on the administrative side.

Mr. Srivastava submits that the plaint or the written statement constitute part-A of the record as per the provisions contained under Rules 222 and 224 of the Civil Court Rules which is /are to be maintained and not destroyed. The learned District Judge should have taken all effective steps for retrieval of those records. He,

however, informs the Court that the Title Suit no. 377 of 2002 has already reached advanced stage of argument(s).

Considering the facts of the case, in my view, the order impugned does not call for any interference by this court in exercise of its writ jurisdiction under Article 227 of the Constitution of India. The application is dismissed.

(Kishore Kumar Mandal, J)

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