

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.619 of 2016

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Ramji Prasad

.... Appellant/s

Versus

Bibha Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ranjan Kumar Dubey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 04-08-2016 Learned counsel Mr. Ranjan Kumar Dubey for the petitioner submitted that the learned court below gravely erred in holding that earlier application was rejected but in fact it was not pressed. Secondly, the court below held that in fact the original partition deed was not filed by the plaintiff along with the list of documents, which is completely error of record, in fact, it was filed by the plaintiff and thirdly the court below also wrongly held that in the cross-examination defendant no.3 has admitted that he has original copy of partition deed dated 25.06.1982, which is also error apparent on the face of the record.

From perusal of the impugned order dated 10.06.2016 passed by Subordinate Judge-II, Hilsa in Title Suit No.08 of 1994 it appears that the court below has passed a reasoned and detailed order. Therefore, in exercise of supervisory jurisdiction this court cannot meticulously examine the materials available on record on

the basis of which the court below recorded the above finding. If at all these are errors apparent on the face of record, the petitioner may move for review of the order on the above grounds. If such application is filed, the court below shall pass order according to law. However, in this civil miscellaneous case the impugned order cannot be interfered with.

Thus, this civil miscellaneous application is disposed of with the aforesaid liberty.

(Mungeshwar Sahoo, J)

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