

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.574 of 2016**

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Hari Narayan Rai

.... Appellant/s

Versus

Jagdish Rai & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar Jha

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 20-09-2016

Heard learned counsel for the petitioner and the
learned counsel for the respondents.

2. Perused the impugned order dated 05.01.2016 in T.S.
No. 35 of 1997/29 of 2015 passed by the learned Munsif, Pupari,
Sitamarhi.

3. From perusal of the impugned order, it appears that
the evidence of the petitioner was closed on 24.01.2007 after
giving sufficient opportunity to adduce evidence. The petitioner
filed recall application, which was allowed in 2013 with cost but
that was not complied with and no evidence was adduced, as such,
again the case of the petitioner was closed. Thereafter, again
application for recall has been filed on the ground that the
petitioner was ill. The court below considering all these aspects of
the matter has held that sufficient opportunity was granted to the
petitioner and, therefore, rejected the application.

4. From perusal of the impugned order, it appears that more than 10 years have been granted to the petitioner for adducing the evidence but in spite of recall even the petitioner is not complying the order of the court below and delaying the disposal of the suit. In my opinion, therefore, the petitioner himself is guilty of laches and negligence. Therefore, he is not entitled to invoke the supervisory jurisdiction under Article 227 of the Constitution of India. Thus, this civil miscellaneous application is dismissed.

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(Mungeshwar Sahoo, J)