

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.676 of 2016**

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Pashupati Nath Mishra

.... Appellant/s

Versus

Sri Amar Nath Mishra & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajit Kumar Singh

For the Respondent/s : Mr.

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

2 23-09-2016

Heard learned counsel for the petitioner.

Perused the impugned order dated 16.04.2016 passed by Subordinate Judge-II, Katihar in Miscellaneous Case No.01 of 2014 whereby the learned court below has allowed the miscellaneous case and has restored Title Suit No.19 of 1993 (final decree proceeding). Since by the impugned order final decree proceeding has been restored, it cannot be said that the court below passed the order in the manner not permitted by law particularly when the court below has restored the suit in exercise of inherent jurisdiction. It cannot be said that it occasioned failure of justice.

Thus, it is not a case for interference in exercise of supervisory jurisdiction. Accordingly, this civil miscellaneous application is dismissed.

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(Mungeshwar Sahoo, J)