

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1388 of 2016**

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Dhruv Prasad & Anr

.... Appellant/s

Versus

Sri Rameshwar Prasad @ Mohan Prasad & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar

For the Respondent/s : Mr.

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

ORAL ORDER

2 19-12-2016

Heard learned counsel for the petitioners.

Perused the impugned order dated 24.10.2016 passed by the Subordinate Judge-I, Bagaha in Title Suit No.55 of 2003 whereby the learned court below refused to recall the order dated 09.08.2010.

It appears that the evidence of the petitioners was closed on 09.08.2010 and the application for recall has been filed in the year 2016 i.e. after expiry of six years. Therefore, the learned court below recorded the finding that the petition has been filed only with a view to delay the disposal of the suit at the stage when the argument of the case is going on.

In view of the above facts and circumstances that the application has been filed after six years for recall of the order whereby the petitioners' evidence has been closed and that the hearing of the suit is going on, the orders cannot be said to suffer



from jurisdictional error nor it can be said that the order passed by the court below is in the manner not permitted by law.

Thus, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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