

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1889 of 2016

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Khara Nand Jha

.... Petitioner/s

Versus

Uday Kumar Mallik & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Prabhas Ranjan

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 27-06-2016 Heard the learned counsel for the petitioner and the
learned counsel for the respondents.

Perused the order dated 22.04.2015 passed by the learned
Munsif I, Madhubani in Title Suit No.17 of 1994 whereby the
learned Court below has rejected the application filed by the
petitioner to recall the order dated 11.07.2000.

From perusal of the order, it appears that all the grounds
which are being raised before this Court have been considered by
the Court below very minutely and considering the conduct of the
petitioner, the Court below recorded that taking advantage of the
fact that the suit was dismissed for default on 25.07.2000 and
restored on 16.04.2005, the defendant is intentionally delaying the
disposal of the suit.

Admittedly, the petitioner was debarred from filing
written statement on 11.07.2000 and the application earlier filed

for recall was not pressed on the request of the learned counsel for the petitioner. The Court below has held that at the instance of the petitioner, the application was rejected and thereafter now in the year 2015, again the application has been filed for recall.

Therefore, on the same set of facts for the purpose of supervising the order, while exercising supervisory jurisdiction, this Court cannot take another view particularly when the petitioner himself is guilty for his laches for last 15 years. Therefore, I find no reason to interfere with the impugned order.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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