

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.601 of 2016**

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Fazlur Rahman

.... Appellant/s

Versus

Shiv Kumar Jaidevka & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sushmita Mishra

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.

2. Perused the impugned order dated 20.05.2016 passed by the Sub-Judge-II, Katihar in T.S. No. 145 of 2003, whereby the court below has allowed the application filed by the plaintiff Nos. 2 and 3 to sign the plaint.

3. It appears that three plaintiffs filed the suit and in the plaint, only one plaintiff i.e. plaintiff No.1 has signed the plaint. Subsequently, application was filed by plaintiff Nos. 2 and 3 that they may also be permitted to sign the plaint as they have already signed. The court below has passed the order, which relates to the procedure only.

4. It is settled principle of law that remedial statute always receives liberal consideration whereas the penal statute calls for strict consideration. The Hon'ble Supreme Court in the case of *Mahadev Govind Gharge & others Vs. The Special Land*

Acquisition Officer reported in **2011 (4) BBCJ IV- 107** has held that The Code of Civil Procedure is a law relating to procedure and procedural law is always intended to facilitate process of achieving the ends of justice and normally, not to shut doors of justice for parties.

5. In view of the above settled proposition of law, in my opinion, the petitioner is making only vexatious and frivolous objection to the application filed by the plaintiff for permission to sign the vakalatanama or the plaint. Thus, the court below has rightly passed the impugned order, as such, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this civil miscellaneous application is dismissed.

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(Mungeshwar Sahoo, J)