

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13160 of 2015

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Pushpa Devi

.... Petitioner/s

Versus

Ramji Prasad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Garg

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 13-05-2016 Heard the learned counsel, Mr. Ashok Kumar Garg, for the petitioner.

By the impugned order dated 02.05.2015, the learned District Judge, Kaimur at Bhabhua dismissed the Civil Misc. Case No.29 of 2008 on the ground of delay recording a finding that in condonation petition, there is no sufficient ground for condoning the delay.

Since the Court below has specifically recorded this finding, this Court in exercise of supervisory jurisdiction cannot substitute its own finding even if the other view is possible.

The Hon'ble Supreme Court in the case of **Jai Singh and others Vs. Municipal Corporation of Delhi and another (2010) 9 SCC 385** at paragraph 16 has held that '**the High Court lightly or elaborately act as an appellate Court and re-appreciate the**

evidence. Generally, it cannot substitute its own conclusion for the conclusion reached by the Court below or the statutory / quasi judicial tribunals.’ In the present case, the Misc. case was filed for restoration of another Misc. Case and the said another Misc. Case was filed for restoration of probate case which was dismissed for default in the year 1996.

Considering the facts and circumstances of the case when the Court below recorded finding that there is no sufficient ground for condoning the delay, I do not find any reason to interfere with the impugned order. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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