

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15981 of 2015

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Awadh Prasad @ Awadhesh Prasad

.... Petitioner/s

Versus

Shivjatan Ram & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

3 28-06-2016 Heard the learned counsel, Mr. Rajani Ranjan Prasad Singh,
for the petitioner and the learned counsel, Mr. Aditya Narain
Singh No.2, for the respondent No.1.

It appears that Title Suit No.56 of 2006 filed by the
respondent No.2 was disposed of on the basis of compromise. The
respondent No.1 filed application for setting aside the compromise
decree on the ground that the compromise decree has been
obtained on forged compromise. The said application was
registered as Misc. Case No.47 of 2006. Both the parties adduced
evidences oral as well as documentary.

From perusal of the impugned order, it appears that the
Court below considered the evidences of both the parties and
thereafter, on the basis of the evidences recorded clear finding that
the decree was obtained on the basis of forged compromise and,

therefore, he has allowed the Misc. case and has set aside the compromise decree.

So far this finding of the trial Court is concerned, it is pure question of fact based on the evidences oral and documentary. Therefore, in exercise of supervisory jurisdiction, this Court cannot re-appreciate the evidences and substitute its own finding of fact as this Court is not exercising the appellate jurisdiction. Thus, I find no reason to interfere with the impugned order.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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