

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19180 of 2015

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Arbind Mishra & Ors

.... Petitioner/s

Versus

Mostt. Chandan Kuer & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar No.-7

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 30-06-2016

Heard learned counsel for the petitioners.

Perused the order dated 17.04.2015 passed by learned
3rd Additional District Judge, West Champaran at Bettiah in
Miscellaneous Case No.01 of 2010 whereby the court below has
dismissed the miscellaneous case.

It appears that in probate case compromise application
was filed. Thereafter the petitioner Sudama Mishra filed
miscellaneous case alleging that in fact without his knowledge his
signature was obtained and the compromise application was filed.
This application was registered as Miscellaneous Case No.01 of
2010. The petitioner as well as other side adduced their evidences.
By the impugned order the court below considered the evidences
of both the parties and lastly recorded finding that application filed
by Sudama Mishra is devoid of merit. Therefore, this finding of
the court below is pure finding of fact. In such circumstances, for

the purpose of supervising the order this Court in exercise of supervisory jurisdiction under Article 227 of the Constitution of India cannot re-appreciate the evidence and substitute its own finding as if this Court is exercising appellate jurisdiction.

In such circumstances, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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