

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5098 of 2014

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Raghunandan Prasad Keshri

.... Petitioner/s

Versus

Sri Binay Kumar Singhania & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Diwakar Upadhyaya

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 04-02-2016 Heard the learned counsel, Mr. Avinash Kumar for the
petitioner.

This application under Article 227 of the Constitution of India has been filed by the tenant petitioner for setting aside the order dated 10.01.2014 passed by the learned Additional Munsif, Bhagalpur in Title Eviction Suit No.25 of 1993 whereby the Court below refused to recall the order dated 13.08.2004 fixing the hearing of the eviction suit ex parte.

From perusal of the order dated 10.01.2014, it appears that all the submissions which are being made by the petitioner and/or which are being raised in this application under Article 227 of the Constitution was considered by the Court below and after consideration thereof, recorded a clear finding that notices were issued through registered post as well as the notices were published in Newspaper wherein in addition to the name of this

petitioner, the name of the shop and proprietor of the firm i.e. the petitioner was also there and, therefore, he had the knowledge about the pendency of the eviction suit and, therefore, the petitioner is now approaching the court with false plea making false statement intentionally to delay the disposal of the eviction suit which is of the year 1993.

Since the Court below after considering all the submissions which are being raised before this Court and considering the fact recorded clear finding of fact, for the purpose of exercising supervisory jurisdiction under Article 227, this Court cannot take another view on the basis of the same fact which was considered by the Court below.

In view of the above facts and circumstances of the case, this writ application has got no merit and accordingly, it is dismissed.

(Mungeshwar Sahoo, J)

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