

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.15993 of 2015

=====

Sri Bharat Pd. Singh alias Bhuneshwar Pd. Singh

.... Petitioner/s

Versus

Smt. Sabitri Devi

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 21-06-2016

Heard learned counsel Mr. Kumar Alok for the
petitioner.

Learned counsel submitted that although the petitioner filed application for adjournment of the case simplicitor for producing witness on personal ground but learned Subordinate Judge-IV, Danapur by order dated 01.09.2015 passed in Title Suit No.122 of 1999 wrongly rejected the application holding that the application has been filed by the petitioner praying for time on the ground that he has filed revision application before the High Court. According to the learned counsel, the petitioner has never filed revision application against any order and no such application was filed. The petitioner was regularly examining witnesses but on that day on person ground as stated above filed application for time.

Perused the order. It appears that the court below has

clearly recorded that the application was filed by the petitioner for granting time on the ground that against an order the petitioner has filed a revision application. According to the petitioner, this is an error of record. If at all it is error of record, this relates to pure question of fact which cannot be examined in supervisory jurisdiction. Therefore, liberty is granted to the petitioner to file a review application/recall application before the court below bringing all these facts to the court below. If such application is filed, the court below shall decide the same on its own merit according to the facts of the case.

With the aforesaid liberty, this writ application is disposed of.

(Mungeshwar Sahoo, J)

Harish/-

U			
---	--	--	--