

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7857 of 2015

=====

Maheshwar Prasad Yadav

.... Petitioner/s

Versus

Suresh Bhagat & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Singh

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 20-01-2016

Heard the learned counsel for the petitioner.

This application under Article 227 of the Constitution of India has been filed by the plaintiff-petitioner against the order dated 10.04.2015 whereby the Court below refused to recall the order dated 22.04.2014.

The learned counsel for the petitioner submitted that on 22.06.2011 with consent of the parties, the case of the plaintiff was reopened and the plaintiff-petitioner was allowed to examine witnesses but subsequently on 22.04.2014, the case was closed and the case was fixed for argument. Therefore, the application was filed to recall the said order but by the impugned order, the Court below has rejected the same.

Perused the order dated 22.06.2011, 22.04.2014 and also 10.04.2015. From perusal of the order dated 22.06.2011, it appears that on the application of the plaintiff-petitioner, his case was



reopened on payment of cost of Rs.150. The case was posted for examination of the plaintiff's witnesses. However, by mistake, in the ordersheet, it was typed as for examination of the defendant's witnesses. This defect was detected by the Court below on 22.04.2014 but this defect was carried on in subsequent orders and since the evidence of the plaintiff as well as the defendant had already been closed prior to the passing of the order dated 22.06.2011, the Court below posted the case for argument. The Court below on these grounds has rejected the application to recall the plaintiff's application.

In such view of the matter, in my opinion, the Court below has rightly rejected the application, therefore, this order cannot be interfered with in exercise of supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

U		T	
---	--	---	--