

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.509 of 2016

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Lal Babu Rai & Ors

.... Appellant/s

Versus

Ram Swarup Rai & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sushant Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 03-08-2016

Learned counsel for the petitioners submitted that in the impugned order dated 26.05.2016 the learned court below has committed error of record and held that the written statement filed by defendant no.2 on 20.02.2016 was accepted by order dated 15.03.2016 on payment of cost of Rs.400/-. According to the learned counsel, in fact the written statement filed by defendant no.2 was of the year 2014, which has been accepted and the subsequent written statement filed by her has still not been accepted. It is admittedly an error of record.

If this be the fact that the court below has committed apparent error on the face of the record then in my opinion it is a case for review. Therefore, the petitioners may approach the court below for reviewing the order. This Court in exercise of supervisory jurisdiction cannot investigate the fact and say that it is an error of record.

Therefore, with this observation this civil miscellaneous application is disposed of. The petitioners may file review application before the court below, who shall pass a fresh order after hearing the petitioners so far acceptance of second written statement filed by defendant no.2 is concerned.

(Mungeshwar Sahoo, J)

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