

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14437 of 2015

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Phagu Sah & Anr

.... Petitioner/s

Versus

Sulekha Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Dass

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

6 26-08-2016

Heard learned counsel for the petitioners.

Perused the order dated 06.05.2015 passed by the learned Subordinate Judge-I, Jamui in Title Suit No.146 of 2014 whereby the learned court below accepted the written statement filed by the defendants on payment of cost of Rs.300/-.

It appears that on 13.10.2014 the defendants appeared and filed application for filing written statement. Prayer was allowed and thereafter ultimately on 19.02.2015 written statement has been filed i.e. after 90 days + 36 days. However, the learned court below considering the delay of 36 days awarded Rs.300/-. In my opinion, therefore, it is not a case for interference in supervisory jurisdiction under Article 227 of the Constitution of India in view of the fact that the Hon'ble Supreme Court has already held that the provision as contained in Order VIII Rule 1

CPC is not mandatory rather it is directory and the courts have the jurisdiction to extend the period in special circumstances.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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