

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8021 of 2014

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Deepak Kumar Kesan & Anr

.... Petitioner/s

Versus

Shri Paras Nath Gupta & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baidya Nath Thakur

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 24-02-2016

Heard the learned counsel, Mr. Baidya Nath Thakur for the petitioners and the learned counsel, Mr. Shashi Nath Jha for the respondents.

By the impugned order dated 09.01.2014, the learned Sub Judge V, Madhubani reconstructed the record of Misc. Case No.1 of 1988, the record of which was lost.

From perusal of the order passed by the Court below, it appears that the objections raised before the Court below is that the certified copies which the respondents produced in the Mortgage Title Suit No.53 of 1988 are not genuine documents. The Court below in the impugned order granted liberty to the petitioners to prove the genuineness of the certified copies/original documents produced by the plaintiffs-respondents.

From perusal of the writ application under Article 227 of the Constitution, it appears that all the objections raised by the

petitioners are only technical objections.

It is settled principles of law that the technicalities should not be allowed to come in the way of administration of justice. Therefore, the order passed by the Court below cannot be interfered with in supervisory jurisdiction and, therefore, this writ application is dismissed with observation that the Court below shall try the suit expeditiously in view of the fact that the suit is of the year 1988 and on frivolous objections, the petitioner is dragging the case and has been able to drag till 2016. It is further directed that the Court below should not entertain any such frivolous objections in future in the case.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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