

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3527 of 2015

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Sri Pankaj Kumar Yadav @ Pankaj Kumar

.... Petitioner/s

Versus

Ranjeet Kumar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 29-03-2016

Heard Mr. Raghuvir Chandrain, learned counsel for the petitioner and the learned counsel, Mr. Sanjay Kumar @ Manu, appearing for the respondent.

2. By the order dated 15.11.2014, learned Sub-Judge-I, Patna City in T.S. No. 447 of 2012 rejected the review application filed by the defendant-petitioner under Order 47 Rule 1 C.P.C. for review of the earlier order dated 16.05.2014.

3. It appears that the plaintiff-respondent filed T.S. No. 447 of 2012 for declaration that the sale deed executed by the defendant No. 1 in favour of other defendant is void because of non -payment of consideration amount by the defendant No.1 to the plaintiff as the defendant No. 1 is the power of attorney holder of the plaintiff. The defendant No.1 appeared and filed application under Order 7 Rule 11 C.P.C. for rejection of the plaint on the ground that the suit is barred by law of limitation. The court below

after hearing both the parties by order dated 16.05.2014 rejected the application under Order 7 Rule 11 Clause-d C.P.C. This order was never challenged by the petitioner. Thereafter the petitioner filed the review application before the court below. The court below did not find any mistake apparent on the face of the order passed by the court rejecting application under Order 7 Rule 11(d) C.P.C.

4. In such view of the matter, this Court in exercise of supervisory jurisdiction cannot say that the order passed by the court below rejecting the review application is without jurisdiction or that if the order is allowed to stand it will occasion failure of justice or it will cause prejudice to the petitioner. Therefore, I do not find any reason to interfere with the impugned order in exercise of supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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