

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.214 of 2016

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Shiv Shankar Ray & Anr

.... Petitioner/s

Versus

Pritam Rai & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ratan Kumar Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 11-07-2016

Heard learned counsel, Mr. Ratan Kumar Sinha,
appearing for the petitioners.

Perused the application under Article 227 of the
Constitution of India. Prayer has been made by the petitioners for
call for the record and examining the record of Miscellaneous
Case No. 01 of 2012 arising out of T.S. No. 139 of 2002, in which,
compromise was recorded between the parties and then
miscellaneous case was filed.

In my opinion, the scope under Article 227 of the
Constitution of India is not for the relief claimed by the
petitioners. Further it appears that the application was filed by the
petitioners in the court below praying for inquiry as some
corrections were made by committing forgery. Since the
application has been filed by the respondents for setting aside the
order of compromise, the provision of law was corrected and it

was mentioned as Order 23 Rule 3 C.P.C.

In such view of the matter, instead of contesting the miscellaneous case on merit, in fact, frivolous application has been filed by the petitioner for making necessary inquiry about forgery. This application does not arise for decision in the miscellaneous case. In my opinion, therefore, the court below is directed to proceed to decide the miscellaneous case ignoring the application filed by the petitioners for making inquiry regarding forgery as in my opinion, the application is nothing but to delay the disposal of the miscellaneous case itself. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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