

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.860 of 2016

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Raj Kumar Gupta

.... Petitioner/s

Versus

Aduliya Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 12-07-2016

Heard learned counsel Mr. Pankaj Kumar Singh for the
petitioner.

Perused the order dated 07.10.2015 passed by learned
Munsif, Manjhaul, Begusarai in Title Suit No.39 of 1999.

It appears that the application was filed by the
petitioner herein to search the requisition issued to Mukhia and its
service report duly signed and written by the Process Server and
keep it on record. This application was filed because earlier the
plaintiff filed application for calling for a record from Mukhia of
Gram Panchayat. Processes were issued. According to the
petitioner, the process and the service report which was received
in the court below is not available, therefore, the application was
filed. The court below by the impugned order has rejected the
same on the ground that the application filed by the petitioner is
not maintainable.

The plaintiff-respondent filed suit for declaration of title and recovery of possession. The defendants filed contesting written statement on the grounds that they have purchased the property from the original owner. Admittedly the record which was called for by the Court was on the application of the plaintiff. Admittedly that is not available now. The petitioner is unable to say what is the nature of the order or the record, which has been misplaced. The only argument advanced before this Court is that a forged document was produced by Process Server and the said document is also not available on record.

In view of the aforesaid facts and circumstances and the allegation made in the application and counter allegation it appears that this case is one of the instance wherein it can be said that the petitioner is trying to abuse the process of the Court with a view to delay the disposal of the case, which is of the year 1999. From perusal of the impugned order, it appears that the case has been fixed for evidence of the defendants and because of delaying tactics of the petitioner this case is not being disposed of. It can very well be said that the application filed by the petitioner is frivolous application. I, therefore, dismiss this writ application.

Harish/-

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(Mungeshwar Sahoo, J)