

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1184 of 2016**

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Jai Narain Bhagat

.... Appellant/s

Versus

Ganesh Bhagat & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Chandra Kant

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 06-10-2016

Heard the learned counsel, Mr. Chandra Kant for the
petitioner.

Perused the impugned order dated 31.08.2016 passed
by Sub Judge IX, Siwan in Title Suit No.84 of 2006.

It appears that in the suit, this petitioner appeared on
14.11.2006. When he did not file written statement within the
period stipulated in C.P.C., by order dated 14.09.2007, he was
debarred from filing the written statement. Subsequently, two
years thereafter in April, 2009, written statement was filed with an
application. Thereafter, he left the pairvi in the case and for the
first time in 2014, filed the application for recall of the order dated
14.09.2007 whereby he was debarred from filing the written
statement.

It is admitted fact that in November 2006, he appeared
and then uptill 14.09.2007, he did not file written statement,

therefore, he was debarred. Then also he did not file the written statement. Written statement was filed after two years i.e. in April, 2009. Thereafter also, he left the pairvi on the ground that mother was murdered. This application for recall has been filed five years thereafter. It appears that the case has been posted for judgment.

In such circumstances, in my opinion, in no case it can be said that the order passed by the Court below is contrary to the provision of law or that the Court below passed the order in the manner not permitted by law.

In my opinion, therefore, this is not a case for interference in exercise of supervisory jurisdiction under Article 227 of the Constitution of India. Accordingly, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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