

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.134 of 2017

In
C.Misc. 1004 of 2016

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Lakshmi Prasad Nayak

.... Petitioner/s

Versus

Jabintara Khatoon

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rama Nand Poddar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

4 07-07-2017 Heard the learned counsel for the petitioner and the

learned counsel for the opposite party.

It appears that in this review application, earlier on
05.05.2017, notices were issued to the opposite party in the
admission matter.

The learned counsel, Mr. Balkrishna Mishra has already
appeared on behalf of the opposite party.

The learned counsel for the petitioner submitted that
while disposing of the Civil Misc. Case No.1004 of 2016 by order
dated 21.02.2017, this Court did not consider the fact that the
affidavit filed by the opposite party in the State Bank of India
wherein she has admitted that she is residing in rented house and
the petitioner is praying for calling for the said affidavit to prove
this fact.



On the other hand, the learned counsel for the opposite party submitted that a reasoned order has been passed by this court referring to the decisions of the Supreme Court and then has held that the document i.e. the affidavit sought to be called for from the Bank has got no role to play.

Perused the order dated 21.02.2017. From perusal of this order, it appears that while disposing of the civil miscellaneous case, this court did not consider the fact as to whether she has admitted the fact that she is residing in a rented house or not. Therefore, this is an error apparent on the face of the record.

Thus, this civil review application is allowed. The impugned order dated 21.02.2017 is set aside. The Civil Miscellaneous Case No.1004 of 2016 is restored.

(Mungeshwar Sahoo, J)

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