

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4784 of 2015

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Gautam Prasad @ Gootam Prasad & Anr

.... Petitioner/s

Versus

Wakil Rai & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mira Kumari

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 08-12-2015 Heard the learned counsel, Mr. R. K. P. Singh, for the
petitioner on the interlocutory application No.7637 of 2015.

At the time of hearing of the interlocutory application, the
learned counsel, Mr. Singh, submitted that the writ application
itself may be heard on merit in admission matter. Accordingly, I
heard him on merit in admission matter.

By the impugned order dated 16.04.2013 passed in
Execution Case No.3 of 1997 the learned Munsif, Gopalganj has
recalled the order dated 18.04.2009 on the ground that it was
passed by mistake.

From perusal of the impugned order, it appears that the
Court below found that there was stay order of further proceeding
in execution case by the appellate Court in Title Appeal No.65 of
1997 / 2 of 2009 but by mistake the executing Court had dismissed
the execution case, although there was stay order and in exercise

of jurisdiction under Section 151 CPC, he has recalled this order
Therefore, the Court below has exercised inherent jurisdiction for
doing justice by correcting the mistake.

In view of the above fact, the impugned order cannot be
interfered with in supervisory jurisdiction. Accordingly, this writ
application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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