

(2015) 01 PAT CK 0193
In the Patna High Court
Case No : Civil Revision No.1362 of 2009

Harihar Prasad Singh

APPELLANT

Vs

Collector, Bhagalpur, District Bhagalpur

RESPONDENT

Date of Decision : 19-01-2015

Acts Referred:

Citation : (2015) 1 BBCJ 374

Hon'ble Judges : V. Nath, J.

Bench : Single Bench

Advocate : Mr. Vikaram Singh, Advocate, for the Petitioner; None, for the Respondent

Final Decision : Dismissed

Judgement

V. Nath, J. (Oral) - Heard Mr. Vikaram Singh, who has strenuously argued to persuade this Court to take the view that the impugned order is illegal and suffers with the error of jurisdiction.

2. The petitioner is the plaintiff and is aggrieved by the impugned order of the learned court below rejecting his petition filed under Section 153 C.P.C. raising grievances against the written statement filed on behalf of the defendant-State of Bihar. It is the case of the plaintiff-petitioner that the written statement has been filed by the A.G.P. who was not authorized to file the said written statement on behalf of the defendant-State of Bihar.

3. From the impugned order as well as the Annexure-5 of the revision application, it transpires that subsequently an affidavit was filed by the Deputy Collector Land Reforms wherein the facts and circumstances were disclosed under which the written statement in the suit came to be filed without the verification and signature thereon by the authorized person on behalf of the State of Bihar. It has also been stated in the said affidavit that the written statement so filed in the suit and the facts stated therein are accepted to have been filed on behalf of the State of Bihar and the written statements so signed

and verified by the learned A.G.P. in the interest of the State of Bihar be accepted as duly signed and verified by the D.C.L.R. in view of the affidavit.

4. After hearing the parties, the learned court below has rejected the petition filed on behalf of the plaintiff-petitioner in view of the affidavit filed by the D.C.L.R. in the suit and in view of the fact that the written statement has already been accepted by the court. The learned court below has rightly rejected the petition in view of the provisions of Order VII Rule 14 and 15 C.P.C. holding that such defects are mere irregularity not going into the root of the matter.

5. In view of the aforesaid facts and circumstances, this Court does not find any merit in this revision application, which is, accordingly, dismissed.