

In Re: Mathra Parshad

In Re: Mathra Parshad

SooperKanoon Citation : sooperkanoon.com/452393

Court : Allahabad

Decided On : Dec-31-1969

Reported in : (1875)ILR1All296

Judge : Robert Stuart, C.J. and ;Turner, J.

Appellant : In Re: Mathra Parshad

Judgement :

ORDER

1. It is obvious that the Subordinate Judge has misconceived the duty imposed on him. The circumstance that the decree, of which a review was sought, was passed by his predecessor did not discharge the Subordinate Judge from the obligation of considering whether any sufficient grounds were shown for the application. Where a Subordinate Court has obviously failed to perform its duty, and there is no remedy by appeal, it appears to us within the competency of this Court, under the general powers of superintendence with which it is invested under Section 15 of the Letters Patent, to point out to the Subordinate Court its error and to direct it to proceed according to law. The Subordinate Judge is therefore directed to reconsider the application presented to him, and to deal with it as if a review was sought of a decree which he had himself passed.