

IN THE COURT OF CIVIL JUDGE (Jr. Div.), DUMRAON
Present:- Prateek Mishra, Civil Judge (Jr. Div.), Dumraon.
Title Suit No. - 62/1992

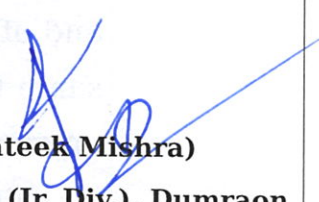
Date of Order	Order with initials of the Court	Remarks
<u>16.10.2025</u>	Case called upon. Ld. Counsel of plaintiff has moved his petition dated 14.07.2025 regarding reconstruction of plaint asserting that title page of plaint has been torn and because of that no order could be possible on substitution petition pending in the suit. Prayer has been made for issuing suitable letter to District & Sessions Judge, Buxar for reconstruction. Copy of plaint attached with the petition. Ld. Counsel of defendant appeared. He filed reply on 25.08.2025. During hearing he has vehemently opposed the petition and <i>inter-alia</i> submitted that resending records to District Judge for reconstruction. Reconstruction is needed only when whole records & order sheet are misplaced due to mistake of this Court or Office and after fixing responsibility of any specific person. At the same time, he has also submitted that he has no objection on copy of plaint along with the petition. Heard the parties and perused the records. It is noted that counsel of defendant has objection on procedure prescribed for reconstruction of document by the plaintiff and suggested that Court should exercise its inherent power as enshrined in Section 151 of CPC. This Court is of the view that there is no such provision for reconstruction of record in Civil Court Rules of the High Court of Judicature at Patna. At the same time, there is no specific provision in Code of Civil Procedure. Therefore, it is obligatory to revisit provision of Section 151 CPC. It provides as under:- <i>"151. Saving of inherent powers of Court :- Nothing in this Code shall be deemed to limit or otherwise affect the inherent power of the Court to make such orders as may be necessary for the ends of justice, or to prevent abuse of the process</i>	

of the Court."

Thus, it appears that while the Civil Procedure Code (CPC), 1908 doesn't have a specific, standalone section or order dedicated solely to the "reconstruction of documents". Therefore, as per mandate of Section 151 the power to do so is an inherent power of the Court. Under circumstances, it appears that it would be just and equitable to utilise this power for the ends of justice, or to prevent abuse of the process of the Court.

Hence, the petition is partly allowed under contest without cost. This Court direct for reconstruction of plaint by utilising the copy of plaint provided with petition under consideration. The Office Clerk is hereby directed to reconstruct the plaint by putting seal of the Court on each page of copy of plaint filed with the petition under consideration.

List on 17.10.2025 for hearing on substitution petition of plaintiff.


(Prateek Mishra)

Civil Judge (Jr. Div.), Dumraon