



Mistake of the court - The basic fundamentals of the administration of justice are simple. No man should suffer because of the mistake of the court - No man should suffer a wrong by technical procedure of irregularities

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Mistake of the court - The basic fundamentals of the administration of justice are simple. No man should suffer because of the mistake of the court - No man should suffer a wrong by technical procedure of irregularities - Rules or procedures are the handmaids of justice and not the mistress of the justice - Ex debito justitiae, we must do justice to him - If a man has been wronged so long as it lies within the human machinery of administration of justice that wrong must be remedied. This is a peculiar fact of this case which requires emphasis - No man should suffer because of the mistake of the Court. Rules of procedure are the handmaidens of justice and not the mistress of justice - - All rules of court are nothing but provisions intended to secure proper administration of justice - It is, therefore, essential that they should be made to serve and be subordinate to that purpose - Procedure has been described to be a handmaid and not a mistress of law, intended to subserve and facilitate the cause of justice and not to govern or obstruct it - Like all rules of procedure, this rule demands a construction which would promote this cause - Once judicial satisfaction is reached that the direction was not open to be made and it is accepted as a mistake of the court, it is not only appropriate but also the duty of the court to rectify the mistake by exercising inherent powers. Judicial opinion heavily leans in favour of this view that a mistake of the court can be corrected by the court itself without any fetters. *A.R. Antulay v. R.S. Nayak*, (1988) 2 SCC 602, *Sanjay Singh v. U.P. Public service Commission*, Allahabad, (2007) 3 SCC 720, *Soni Vrajlal v. Soni Jadavji* [AIR 1972 Guj 148 : (1972) 13 Guj LR 555], referred and relied .

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