

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6407 of 2015

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Asharfi Devi

.... Petitioner/s

Versus

Prabhu Nath Tiwary & Ors.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bamdeo Pandey

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. Bamdeo Pandey, for the petitioner on the interlocutory application No.6164 of 2015.

At the time of hearing of this interlocutory application, the learned counsel for the petitioner 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 21.03.2015 passed by Sub Judge VII, Siwan in Title Suit No.316 of 1986 whereby application filed by the Karinda, i.e., Karpardaj has been disposed of with a direction to the 1st set of defendant giving them liberty to file petition afresh.

It appears that Karinda Devendra Nath Tiwari had filed the application on behalf of the 1st set defendant on various grounds. In the impugned order, the Court below found that earlier the defendants 1st set case was closed and thereafter, on

payment of cost of Rs.3500/-, the case of the defendant first set was reopened. Thereafter, when the defendant Ist did not examine any witness again the case was closed. Thereafter, the Karinda had filed the application who is not a party to the suit and the Court below also found that the Karinda filed the petition, thereby misled the Court and his intention is otherwise, it is also from the apparent from the record that 1st set defendant have filed their own affidavit as to the contains of their pleadings, written statement and so called Karinda is no where there. Observing all these facts, the Court below by the impugned order had rejected the application filed by the Karinda. Therefore, the order passed by the Court below cannot be interfered with in supervisory jurisdiction as by the order, the application filed by the Karinda has been rejected. Thus, this writ application is dismissed. Accordingly, the interlocutory application stands rejected.

(Mungeshwar Sahoo, J)

Sanjeev/-

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