

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19189 of 2010

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Madan Prasad S/O Late Motilal Sah R/O Mohalla-Shyampur, Bazar-Adapur, Police Station-Adapur, Distt.- East Champaran at Motihari

Defendant 1st set.... Petitioner

Versus

1. Shiv Shankar Prasad S/O Bhagwat Prasad R/O Mohalla-Pareua Tola, Hawaii Adda Road, Ward No.-2, P.S.- Raxaul, Distt.- East Champaran at Motihari

2. Ramkrishna Kumar S/O Shiv Kumar Sah R/O Mohalla-Bank Road, P.S.- Raxaul, Distt.- East Champaran at Motihari

Defendant 2nd Set- Respondent.... Respondents

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Appearance :

For the Petitioner/s : Mr. Ravi S.Pankaj

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 29-07-2015 Heard learned counsel for the petitioner and learned counsel, who has appeared on behalf of private Respondents.

The petitioner, invoking writ jurisdiction under Article-227 of the Constitution of India, has prayed for quashing of an order dated 10.06.2010 passed by the learned Addl. Munsif in Title Suit No.21 of 2006. By the said order, the learned court below has disposed of the petition dated 07.09.2009 filed by the petitioner as premature. After hearing and considering the pleader Commissioner's report, the court below has held that in the suit, issues were not settled and the issue raised by the petitioner can be examined at the appropriate stage of the trial.

In view of the fact that issues were not settled and the

trial court noticed that the objection raised by the petitioner can be examined at the appropriate stage of the trial, this Court is of the opinion that it is not a fit case for interference with the impugned order.

It goes without saying that the objection raised by the petitioner can be considered by the court below at the appropriate stage in accordance with law.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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