

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16751 of 2014

- =====
1. Surendra Prasad @ Surendra Sao S/o Late Hari Sao.
 2. Rakesh Kumar.
 3. Santosh Kumar.
 4. Gautam Kumar.
 5. Satish Kumar Petitioners Nos. 2 to 5 are Sons of Surendra Prasad @ Surendra Sao.
 6. Md. Sattar Khan S/o Ishak Khan All Resident of Barbigha, Mahuatar, P.O.+P.S.- Barbigha, District- Sheikhpura.

.... Petitioner/s

Versus

1. The State of Bihar through D.M. Sheikhpura.
2. Chhotelal Prasad @ Chhotelal Sao S/o Late Hari Sao.
3. Gyan Prasad Gupta @ Prakash Kumar S/o Chhotelal Sao.
4. Chandan Kumar S/o Chhotelal Sao All Residents of Barbigha, Mahuatar, P.O.+P.S.- Barbigha, District- Sheikhpura.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Manish Kumar
For the Respondent/s : Mr. Sc1- M.K. Sinha

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 09-11-2015 Heard the learned counsel for the petitioners.

This writ application has been filed assailing the order dated 20.08.2014 passed in T.S. No. 05 of 2014 by which the said title suit was admitted by rejecting the prayer of the petitioners for dismissing the said suit as barred by res judicata.

An interlocutory application (I.A. No. 4461 of 2015) has been filed by the petitioners wherein another order dated 11.05.2015 passed in the said suit has been brought on record and

has been sought to be assailed by the learned counsel for the petitioners. By the subsequent order, the learned court below has disposed of the petition filed by the petitioners for framing the issue of res judicata as a preliminary under Order 14 Rule 2 C.P.C. with observation that the said issue shall be considered at the time of hearing while considering the entire facts and circumstances of the case.

After careful consideration of the submissions and the facts of the case, this Court does not find that the learned court below has committed any illegality or irregularity in passing the impugned order. The right of the petitioners to raise the issue of res judicata has been well protected by the later order dated 11.05.2015.

This writ application, therefore, has no merit and is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

U			
---	--	--	--