

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8588 of 2014

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1. Nagina Singh Son of Late Harbansh Singh.
 2. Murari Singh Son of Sri Nagina Singh.
 3. Manjay Kumar Singh Son of Sri Nagina Singh All Resident of Village Abhirajpur Bairiya, P.S- Piparahi, Distt- Sheohar.
 4. Shiv Chandra Singh Son of Bal Narayan Singh Resident of Village Fatahpur, PS and Distt- Sheohar.

.... Petitioner/s

Versus

1. Krishna Devi Wife of Late Bijali Singh.
2. Ram Binay Singh Son of Late Bijali Singh.
3. Paras Kumar Singh Son of Late Bijali Singh All resident of Village Abhirajpur Bairiya, P.S- Piparahi, Distt- Sheohar.
4. Yamuna Singh Son of Late Gagandeo Singh resident of Village Abhirajpur Bairiya, PS- Piparahi, Distt- Sheohar.
5. Dinbandhu Sharma Son of not known to the petitioners, deed writer, Registry Office, Sheohar, Distt- Sheohar.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 29-10-2015 Heard Mr. V.R.P. Singh, the learned counsel
appearing on behalf of the petitioners.

Calling in question the impugned order by which the
learned court below has rejected the petition dated 31.03.2010
filed by the petitioners for rejecting the examination-in-chief on
affidavit filed by the plaintiffs, the present application has been
filed under Article 227 of the Constitution of India.

Mr. Singh, the learned counsel for the petitioners has fairly accepted that the earlier order dated 02.12.2008 (Annexure-2) whereby after hearing the parties, the learned court below has directed the defendants to examine the plaintiffs on the basis of the said examination-in-chief, has not been challenged by the petitioners and the cost as directed by the said order dated 02.12.2008 has also been paid and accepted by the petitioners.

From the perusal of the impugned order, it is manifest that the learned court below has taken into notice the fact that the earlier order dated 02.12.2008 has not been assailed/challenged by the defendant-petitioners and therefore it has been held that the present petition praying for rejection of the examination in chief is not maintainable. In this view of the matter, this Court does not find any illegality in the impugned order.

The present writ application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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