

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17471 of 2012

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1. YAMUNA SINGH, SON OF LATE BECHAI SINGH RESIDENT OF BHABHUA WARD NO. 3, BHABHUA NEAR ELECTRICITY COLONY, POLICE STATION BHABHUA, DISTRICT KAIMUR, BHABHUA

2. GURU CHARAN SINGH, SON OF YAMUNA SINGH RESIDENT OF BHABHUA WARD NO. 3, BHABHUA NEAR ELECTRICITY COLONY, POLICE STATION BHABHUA, DISTRICT KAIMUR, BHABHUA

3. BABLU SINGH @ BAHADUR SINGH, SON OF YAMUNA SINGH RESIDENT OF BHABHUA WARD NO. 3, BHABHUA NEAR ELECTRICITY COLONY, POLICE STATION BHABHUA, DISTRICT KAIMUR, BHABHUA

4. TAPLU SINGH SON OF YAMUNA SINGH RESIDENT OF BHABHUA WARD NO. 3, BHABHUA NEAR ELECTRICITY COLONY, POLICE STATION BHABHUA, DISTRICT KAIMUR, BHABHUA

.... Petitioner/s

Versus

1. GANDHI KUSHTHA NIWARAN PRATISTHAN, GANDHI GRAM, BHABHUA (KAIMUR) THROUGH DR. VARUN KUMAR SINGH SECRETARY, GANDHI KUSHTHA NIWARAN PRATISHTHAN, BHABHUA, POLICE STATION BHABHUA, DISTRICT KAIMUR

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Prasad Singh with
Mr. Santosh Kumar Verma--Advocates

For the Respondent/s : Mr. Akhouri Vipin Bihari Shrivastava with
Smt. Km. Shashi Bala Verma--Advocates

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

05 16-12-2015 Petitioner/ defendant has assailed the order dated 13.08.2012 passed by Sub-Judge-1st, Bhabua, Kaimur in Title Suit No.379 of 2010 whereby and whereunder petition dated 15.06.2012 filed on his behalf has been rejected by the learned lower court. Instead of roaming around the factual aspect and the submissions whatsoever been raised at the present moment, from

the order impugned, it is evident that trial is at fag end as is fixed for argument. However, even at that very moment, the matter that too, happens to be legal one affecting the prospect of the suit could be raised and argued and if needed, Court can re-cast the issue in terms of Order-XIV, Rule-5 C.P.C. for proper adjudication.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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