

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20005 of 2010

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Chhathiya Devi wife of Sudarshan Nonia resident of Village Parveshpur,
P.S. Maner, In The District Of Patna

.... Petitioner/s

Versus

1. Judagi Mistry son of Juggu Mistry resident of Village Rasulpur, P.S. -
Bihta In The District Of Patna plaintiff -opp. Party Ist
2. Patia Devi wife of Sudarshan Nonia , resident of Village Kathia, P.S.
Bihia in the district of Bhojpur
3. Raj Kumari Devi, wife of Laloo Prasad, resident of village Maroofganj,
Patnacity, P.S. Marofganj In The District Of Patna,
No. 2 To 3 Daughters Of Late Lachhuman Mahto, resident of Village Sarai
Maner, P.S. Maner In The District Patnadefendants opposite parties
Opposite parties 2nd set

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Singh 3

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

4 31-07-2015 The petitioner, invoking writ jurisdiction of this court under Article 227 of the Constitution of India, has prayed for quashing of an order dated 22.7.2010 passed by learned Munsif, Danapur, in Title Suit No. 07 of 2003. By the said order petition filed by the petitioner raising preliminary objection on the point of maintainability on the ground that the suit is barred by the principle of '*res judicata*' has been rejected by the court below. The learned court below while dismissing the petition has observed that this question can well be examined and adjudicated at the time of final hearing. It appears that the objection which

was raised was a mixed question of fact and law, which was certainly not required to be adjudicated at the preliminary stage.

I do not find any defect in the impugned order.

The writ petition stands dismissed.

(Rakesh Kumar, J)

Praful/-

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