

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.454 of 2016**

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M/s. Shakti Modern Rice Mill & Ors

.... Appellant/s

Versus

Bihar State Finance Corporation & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Sunil Srivastava

For the Respondent/s : Mr. Raju Giri

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

3 05-09-2016 Heard the learned counsel for the petitioners and the

learned counsel for the respondents.

Perused the impugned order dated 16.06.2016 passed by
the learned Sub Judge V, Aurangabad in Title Suit No.208 of
1996/5 of 2016 whereby the Court below rejected the application
filed by the petitioners to hear Misc. Case No.7 of 2002 first
which arises out of proceeding under Order 39 Rule 2A C.P.C.

From perusal of the impugned order, it appears that
learned Court below has assigned good reasons for rejecting the
application. The present suit is ready for final argument but the
petitioners herein instead of arguing the case is pressurizing the
court to hear the miscellaneous case i.e. application under Order
39 Rule 2A C.P.C. The intention of the petitioner is apparent,
therefore, the Court below is directed to hear the suit first and
thereafter dispose of the miscellaneous case.

Therefore, I find no reason to interfere with the impugned order. Accordingly, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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