

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.749 of 2016**

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Pramod Sah @ Pramod Gupta

.... Appellant/s

Versus

Rajeeb Kumar Gupta & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arvind Kumar Sharma

For the Respondent/s : Mr.

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

2 18-08-2016

Heard learned counsel for the petitioner.

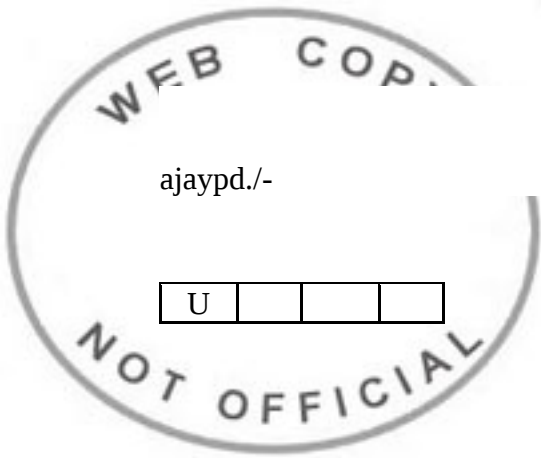
Perused the order dated 10.06.2016 passed by Sub
Judge, 1st Court, Begusarai in Title Suit No. 439 of 2014.

In view of the fact that probate case has been decided
against the present petitioner, the present title suit filed by the
respondent being Title Suit No. 439 of 2014 could not have
been stayed under Section 10 C.P.C. by the court below and
therefore, the learned court below has rightly rejected the
application. Even if, the petitioner has filed the appeal against
the probate order, he has also got the right to file appeal if at all
the decree is passed against him in Title Suit No. 439 of 2014.

In view of the above factual position, in my opinion, it
is not a case for interference in exercise of supervisory
jurisdiction under Article 227 of the Constitution of India.

Thus, this Civil Miscellaneous Application is

dismissed.



(Mungeshwar Sahoo, J)