

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.485 of 2016**

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Sarjoo Mahta & Ors

.... Appellant/s

Versus

Dhanpati Devi & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ashok Kumar No.6

For the Respondent/s : Mr.

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

2 01-09-2016

Heard learned counsel for the petitioners.

2. Perused the impugned order dated 05.05.2016 passed by the learned Munsif, Aurangabad in T.S. No. 67 of 2003, whereby the learned court below rejected the amendment application filed by the plaintiffs-respondents.

3. It appears that during the hearing of the suit, application was filed by the defendants-petitioners to initiate a criminal proceeding against the plaintiffs-respondents on the ground that some interpolation has been made in the plaint. The court below, by the impugned order, has not initiated any proceeding. Against that part of the order, this civil miscellaneous application has been filed. From perusal of the impugned order, it appears that earlier the suit was heard by another Presiding Officer and thereafter on transfer of the Presiding Officer, again argument has been started. By filing frivolous civil miscellaneous

application before the High Court, the petitioner has withheld the progress of the suit in the court below. It is not expedient in the interest of justice to initiate a criminal proceeding in the facts and circumstances of the present case. Thus, this civil miscellaneous application is dismissed.

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(Mungeshwar Sahoo, J)