

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1238 of 2016

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Shyampati Devi

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Nagendra Dubey

For the Respondent/s : Mr. Madhaw Prasad Yadav-Gp23

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 25-11-2016 Heard learned counsel for the petitioner and learned
counsel for the State.

Perused the impugned order dated 14.06.2016 passed
by learned Subordinate Judge-I, Danapur in Miscellaneous Case
No.03 of 2015 whereby the learned court below has only admitted
the miscellaneous case and directed to issue notice to the opposite
party in the miscellaneous case, who is the petitioner herein.

It may be mentioned here that the miscellaneous case
has been filed under Order 9 Rule 13 of the Code of Civil
Procedure by the respondents. That application has been admitted
and notices have been issued. The petitioner instead of appearing
before the court below and filing his objection is raising all the
disputed questions of fact before this Court which cannot be gone
into in exercise of supervisory jurisdiction under Article 227 of the
Constitution of India. In fact, this application is frivolous

application, which has been filed with a view to delay the disposal of the miscellaneous case.

Thus, this civil miscellaneous application is dismissed.

Harish/-

(Mungeshwar Sahoo, J)

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