

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1298 of 2016**

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Nagesh Dubey @ Nagesh Dwivedi & Ors

.... Appellant/s

Versus

Vidya Bhushan Dubey & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar Singh

For the Respondent/s : Mr.

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

2 09-12-2016

Heard learned counsel for the petitioners.

Perused the impugned order dated 31.05.2016 passed by Subordinate Judge-I, Bikramganj (Rohtas) in Title Suit No.312 of 2007 whereby the learned court below allowed the application filed by the plaintiff praying for expunging the name of defendant no.5, namely, Prabha Kant Dubey.

In my opinion, because the plaintiff is praying for deleting the name, there is no question of any prejudice to the petitioners arises, who are defendants and who are contesting the suit nor it can be said that the order suffers from jurisdictional error nor it can be said that the order passed by the court below occasioned failure of justice. Accordingly, this civil miscellaneous application is dismissed.

Harish/-

(Mungeshwar Sahoo, J)

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