

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4548 of 2016

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Suresh Rai & Ors

.... Petitioner/s

Versus

Mahima Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baban Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 19-07-2016

Heard learned counsel, Mr. Shanti Kumar, appearing for the petitioners and learned counsel, Mr. V.K. Bharti, appearing for the respondents.

2. Perused the order dated 02.02.2016 passed by the Sub-Judge-V, Gopalganj in Miscellaneous Case No. 01 of 2009 arising out of Order 9 Rule 13 C.P.C.

3. It appears that judgment under Order 8 Rule 10 C.P.C. was passed by the trial court. The defendant 24 series filed application under Order 9 Rule 13 C.P.C. The application was filed by the petitioners for dismissing the miscellaneous case on the ground that it is not maintainable. The court below relied upon various decisions of the Supreme Court as well as the High Court came to the conclusion that this miscellaneous case is maintainable.

4. In view of the above fact when the order passed by

the court below is based on the decisions of the superior Courts, it cannot be said that the court below has passed the order in the manner not permitted by law or it has occasioned failure of justice. Therefore, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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