

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9948 of 2014

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1. Sunil Kumar Thakur S/o Late Ramadhar Thakur resident of village - Hasopur,
P.S. Khanpur, District - Samastipur.

.... Petitioner/s

Versus

1. Satyendra Choudhary @ Narendra Chaudhary Son of Late Mahendar Chaudhary
of village - Hasopur, P.S. - Khanpur, District - Samastipur.

2. Bhushan Paswan S/o Jhari Lal Paswan.

3. Vimal Paswan S/o Palakdhari Paswan both of village Hasopur, P.S. - Khanpur,
District - Samastipur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shambhu Sharan Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 19-05-2016

Heard learned counsel for the petitioner.

The challenge in the present application filed under
Article 227 of the Constitution of India is to the order by which the
learned Court below has directed the defendant to lead evidence.

The fact is not in dispute that the suit was filed by the
plaintiff pertaining to his right, title and interest over the suit land,
however, the defendant filed his written statement as also the
counter claim on the basis of a registered document.

In that backdrop, the learned court below by order dated



12.12.2012 directed the defendant to adduce evidence first. It has been the submission on behalf of the petitioner that a petition for recall of the said order was filed on 26.11.2013. The learned counsel for the petitioner has accepted that the defendant-petitioner has filed a counter claim in the suit praying for declaration of his own title over the suit premises on the basis of purchase through registered document.

In view of this fact, this Court does not find that any miscarriage of justice has been done by the learned court below directing the defendant to lead evidence which requires any interference under Article 227 of the Constitution of India by this Court.

This application is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
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