

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7136 of 2015

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Sachida Nand Prasad

.... Petitioner/s

Versus

M/s Jyotirmay Sahkari Grih Nirman Samiti Ltd. & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Mishra

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

2 25-02-2016

Heard the learned counsel, Mr. Binay Kant Mani

Tripathi for the petitioner and Mr. Abhay Bhushan Sinha, the
Secretary of respondent No.1 in person who is practicing
Advocate of the High Court also.

By the impugned order dated 23.07.2014, the learned
Sub Judge III, Danapur rejected the application filed by the
petitioner under Section 151 C.P.C. in Title Suit No.461 of 1988.

The said application was filed by the petitioner to stay
the further proceeding in title suit till the real person is substituted
in place of the plaintiff-respondent No.1 and also prayed that till
then he may not be directed to cross-examine the witnesses.

Perused the order passed by the Court below. From
perusal of the order passed by the Court below, it appears that
frivolous application was filed by the defendant in the Court
below. This is a suit for specific performance of contract and the

defendant is dragging the case from the year 1988 and has been able to drag till 2016 on filing these types of frivolous applications.

Therefore, the Court below is directed to proceed strictly without adjourning the case unnecessarily and if in future, such types of frivolous applications are filed by the defendant to delay the matter, the Court below shall not entertain the same.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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