

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.478 of 2016**

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Sachidanand Panday

.... Appellant/s

Versus

Sheo Shankar Pandey & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Dr. Anshuman

For the Respondent/s : Mr.

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

3 01-09-2016 Heard the learned counsel, Mr. Anshuman for the
petitioner.

Perused the impugned order dated 09.03.2016 passed by
Sub Judge I, Bhagalpur in Title Suit No.131 of 2005 whereby the
learned Court below rejected the application filed by the petitioner
under Order XIV Rule 5 for deciding two further issues mentioned
in the application.

From perusal of the impugned order, it appears that the
hearing of the suit was going on and at that stage earlier same
application was filed which was rejected by the Court below. Then
the petitioner came to this Court and this Court directed the
petitioner to raise this question, if it is not decided by the court.
Thereafter again, this application was filed before the court which
has been rejected by the Court below by the impugned order but
again the petitioner is coming to this Court against the said order.

It appears that the petitioner is playing a dilatory tactics to delay the disposal of the suit. I find no jurisdictional error in the impugned order and, therefore, this Civil Miscellaneous application is dismissed with cost of Rs.5,000 paid by this petitioner which is to be deposited in the Court below within one month from today.

If the amount is deposited, the plaintiffs-respondents shall be at liberty to withdraw the same. If it is not deposited, the Court below shall realize the same through the process of the Court and proceed to decide the suit accordingly.

(Mungeshwar Sahoo, J)

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