

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8162 of 2012

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Ramjee Singh son of Mungeshwar Singh, resident of village Kansh, Police station Baroon, Dist. Aurangabad

.... Plaintiffs-Petitioners

Versus

1. The State of Bihar
2. Aiyasha Khatoon, wife of Ishak Ansari R/o village & Post office Jogia police station Baroon, Dist. Aurangabad.
3. Deoraji Kuer, widow of late Premchand Mistry.
4. Nagendra Sharma.
5. Vogendra Sharma.
6. Mahesh Sharma
7. Akhilesh Sharma

Opp. party no.3 to 7 all are sons of Late Premchand Mistry Opp. parties nos. 2 to 6 all are residents of village Jankopa, P.O.Jokia police station Baroon, Dist. Aurangabad.

.... Defendants/ Respondents

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Appearance :

For the Petitioner/s : Mr. Raj Kishore Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 03-02-2016 Heard Mr. D.P. Gupta in support of the application which seeks to challenge the order dated 10.09.2009 passed by the learned Additional Munsif- VI Aurangabad in Title suit no. 65 of 2000 filed for declaration of a title.

While the aforesaid suit was pending for evidence of the plaintiff-petitioner an application (Annexure-1) was filed by the plaintiff-petitioner to mark the copy of the sale deed dated 21.11.1998 as Exhibit. The defendants-respondents filed rejoinder thereto. The case was fixed for consideration on 10.09.2009 when, it appears, the plaintiff defaulted in appearance. The court

considered the application and having found that the execution of the sale deed was seriously disputed by the defendants inasmuch as the copy of the sale deed was not enclosed with the plaint and available on record rejected the said application.

The said order was passed in 2009 and the petition was filed in this court in 2012 wherein no interim order was passed. The court is, therefore, not aware about the status of the case.

Finding no patent illegality in the said order, the writ application is dismissed. The order shall be communicated to the Trial Court for expeditious disposal of the suit, if not already disposed of.

(Kishore Kumar Mandal, J)

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