

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10992 of 2015

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Radhe Shyam Singh & Ors

.... Petitioner/s

Versus

Munnu Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rewti Kant Raman, Advocate

For the Respondent/s : Mr. Smt. Namrata Mishra- Ga13

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 28-04-2016

Heard the learned counsel Mr. Mahesh Pd. for the petitioners and the learned counsel Mr. Chotelal Mishra, AC to GA-13 for the State.

From perusal of the order dated 23.05.2015, passed by Sub-Judge-V, Rohtas, Sasaram in Title Suit No. 50 of 1994, it appears that four eviction suits including the eviction suit filed against this petitioners is being tried analogously with Title Suit No. 50 of 1994 filed by the present petitioners.

Application was filed by the petitioners for deciding the question first that whether the subject matter of title suit is different than the subject matter of the eviction suit filed against the petitioners and then decide the suits. The Court below has rejected this application.

So far the points raised by the petitioners are concerned, those are question of fact that cannot be decided at this

stage, when both the parties have adduced the evidences and the suit is being heard in part, therefore, the Court below has rightly rejected the application. Therefore, I find no reason to interfere with the impugned order passed by the court below.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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