

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10920 of 2015

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Khalil Miyan @ Khalil & Ors	...		Petitioner/s
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Versus

Madan Singh	...		Respondent/s
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Appearance :

For the Petitioner/s : Mr. Santosh Kumar, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 28-04-2016

Heard the learned counsel Miss. Mercy on behalf of
the petitioners.

By the impugned order dated 28.04.2015, the learned
District Judge, Kaimur at Bhabhua rejected the application filed
by the petitioners under Order XVI Rule 6 CPC in Title Appeal
No. 43 of 2014.

From perusal of the order, it appears that the Court
below hold that this matter, which now the appellant-petitioner is
praying that can be effectively decided only at the time of hearing
of the title appeal and the appeal is not yet fixed for hearing and
therefore, rejected the application.

In my opinion, the order passed by the Court below is
covered with the judgment of the 2013 (1) PLJR 48 (SC) Union of
India Vrs. Ibrahim Uddin and another. Therefore, the impugned
order passed by the Court below cannot be interfered with and as
such, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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