

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12808 of 2015

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1. Shaligram Singh, son of Late Prayag Singh, Resident of Village- and P.O.- Bariarpur Pargana Ballia, Sub Regisry, Begusarai, P.S.- Ballia, District- Begusarai.

.... Petitioner/s

Versus

1. Ramashrai Singh
2. Rajendra Singh Both sons of Late Triveni Singh Both are resident of Village and P.O. Bariarpur Pargana, Ballia, Sub Registry, Sub Division- and P.S. Ballia, Distt- Begusarai.
3. Radha Singh, son of Late Babu Lal Singh
4. Kamini Devi wife of Nand Kishore Singh
5. Nand Kishore Singh, son of Late Damodar Singh
6. Bibha Devi, wife of Hare Ram Singh
7. Hare Ram Singh, son of Late Damodar Singh All resident of Village and P.O.- Bariarpur, Pargana, Ballia, Sub Division- Ballia, P.S. Ballia, District- Begusarai.
8. Ganga Singh, son of Late Jugal Singh
9. Umesh Singh
10. Khushi Narain Singh Both sons of late Shrawan Singh All resident of Village and P.O.- Bariarpur, Pargana and Sub Division- Ballia, P.S. Ballia, District- Begusarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No-1

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 05-05-2016 Mr. Randhir Kumar learned counsel for the petitioner.

It appears that the plaintiff/respondent filed Title Suit No. 184 of 2003 for declaration of title. The intervenor petitioner who is defendant no.9 filed application that the suit is not maintainable therefore, the suit may be dismissed on the ground

that the rent receipt produced by the plaintiff is forged document whereas the rent produced by the intervenor petitioner is a genuine rent receipt. The court below by the impugned order held that the question regarding maintainability of the suit is an issue framed and that can be decided only after evidences.

In view of the above fact that the issue raised by the petitioner regarding the maintainability of the suit is dependant on the evidence the same can not be decided as preliminary issue. Therefore, the learned court below has rightly rejected the application. Thus I find no reason to interfere with the impugned order.

The writ application is accordingly, dismissed.

(Mungeshwar Sahoo, J)

siddharth/-

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