

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4585 of 2014

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Anil Mandal & Ors

.... Petitioner/s

Versus

Krishna Mandal & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 20-01-2016

Heard learned counsel for the petitioners.

This application under Article 227 of the Constitution of India has been filed by the defendants-petitioners against the order dated 25.11.2013 passed by District Judge-Munger in Miscellaneous Transfer Case No.27 of 2013.

The defendants-petitioners filed the aforesaid miscellaneous case under Section 24 of the Code of Civil Procedure for transfer of Title Suit Nos.54 of 2000 and 28 of 2001 to one Court for trial and disposal.

According to the learned counsel, the parties are same and the properties are same but the court below rejected the said application without considering this aspect of the matter.

Perused the order passed by the court below.

The plaints of both the suits have already been annexed. From perusal of the plaints, it appears that in one suit prayer has

been made for declaration of title and removal of encroachment with respect to 4 kathas land. In the other suit prayer has been made for declaration of title and recovery of possession with respect to more than 4 Bighas land. The court below recorded the finding that both the properties are different, cause of action is different and held that it is not desirable to transfer both the suits in one Court.

In view of the finding of the District Judge the order passed by the court below cannot be interfered with in supervisory jurisdiction under Article 227 of the Constitution of India.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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