

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19799 of 2015

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1. Hari Narayan Singh, Son of Late Ram Jatan Singh
2. Chandra Bhushan Singh @ Chandra Bhushan Sinha
3. Chhotan Kumar @ Shankar Kumar Sinha
4. Bishwa Mohan Kumar All Sons of Hari Narayan Singh
5. Mathura Prasad @ Man Mohan Kumar Singh Son of Late Ram Kripal Singh All resident of Village Sherbhuka, P.O. Kamla Gopalpur, P.S. Maner, Dist. Patna.

.... Petitioners

Versus

1. Geeta Devi Wife of Subindra Singh
2. Bijanti Devi Wife of Nitya Nand Singh Both resident of Village Sherbhuka, P.O. Kamla Gopalpur, P.S. Maner, Dist. Patna.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Manoranjan Kumar
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 01-07-2016 The petitioners have filed this writ application for setting aside the order dated 03.07.2015 passed by the Sub Judge 4th Danapur, (Patna) in Title Suit No. 298 of 2011 by which the petition filed under Order 7 Rule 11 C.P.C., has been rejected.

Hon'ble the Supreme Court in 2004, volume 09 page 512 has held that the order refusing the reject plaint is in the nature of preliminary judgment.

Therefore, in view of the decision of the Supreme Court the order is not an Interlocutory order but at this stage the court below has decided the rights of the parties. Therefore, the

petitioners are permitted to convert this writ application to civil revision within three weeks failing which, this, writ application shall stand dismissed.

(Mungeshwar Sahoo, J)

siddharth/-

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