

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11656 of 2015

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Mohm. Kaiyum

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha

For the Respondent/s : Mr. Dinbandhu Singh

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 02-05-2016

Heard learned counsel Mr. Amarnath Jha, appearing
for the petitioner and the learned counsel for the respondents.

2. The learned counsel for the petitioner submitted that
in the same suit, two defendants filed separate counter claim. In
both the counter claim, relief for declaration was only prayed. The
Court below directed both the defendants to deposit the advoluram
court fee on the valuation of the counter claim. One of the
defendant filed C.W.J.C. No. 7568 of 2015. The present petitioner
has filed this writ application being C.W.J.C. No. 11656 of 205
against said order. The writ application being C.W. J.C. No. 7568
of 2015 has already been allowed by the order dated 07.04.2016
and the impugned order dated 11.02.2015 passed by the Sub-
Judge-III Saharsa in T.S. No. 141 of 2011 has already been set
aside.

3. Perused the order dated 07.04.2016 passed in

C.W.J.C. No. 7568 of 2015. It appears that the order aforesaid has already been set aside by this Court. The same order is under challenge in this writ application. Accordingly, it is held that the order dated 07.04.2016 passed in C.W.J.C. No.7568 of 2015 shall govern this writ application also. Accordingly, this writ application is allowed.

(Mungeshwar Sahoo, J)

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