

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.1214 of 2016

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Rajendra Chaurasia @ Rajendra

.... Petitioner/s

Versus

Shivnath Prasad & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ranjeet Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 12-07-2016

Heard learned counsel Mr. Ranjeet Kumar for the
petitioner.

Perused the order dated 07.11.2015 passed by
Subordinate Judge-IV, Siwan in Title Suit No.271 of 2014.

It appears that the court below has assigned good
reasons for rejection of the application filed by the petitioner. The
court below also held that disputed question of fact is being raised.
Therefore, the order impugned needs no interference in exercise of
supervisory jurisdiction.

However, if the petitioner, if so advised, insists for
decision on his application, the court below shall register the said
application as separate miscellaneous case but for that purpose it is
made clear here that the proceeding of the suit i.e. Title Suit
No.271 of 2014 or the other suit being Partition Suit No.27 of
2014 shall not be stayed by the court below. It is further clarified

that in future for pendency of this miscellaneous case if time is prayed for or stay is prayed for by the petitioner, the court below shall not grant time or stay the proceeding. The court below shall proceed to decide these suits without being influenced on the grounds of pendency of the miscellaneous case.

Thus, this writ application has got no merit and accordingly, it is dismissed.

(Mungeshwar Sahoo, J)

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