

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12232 of 2013

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1. Dharmendra Singh @ Tuntun Singh,
 2. Sikandar Singh,
 3. Prahalad Singh, All sons of Indradeo Singh, Residents of Village Narainpur, P.O and P.S. Chenari, District-Rohtas.

.... Petitioners

Versus

1. Raghunabsh Narain Singh, Son of Late Anirudh Singh, Resident of Village-Narainpur, P.O and P.S. Chenari, District-Rohtas.
2. Indradeo Singh, Son of Late Anirudh Singh,
3. Lalu Minor,
4. Sonu Minor, Sons of Dharmendra Singh, U/g of Sri D
5. Smt. Utarbaso Devi, W/o Kashinath Singh, Resident of village and P.O. Pushauli, P.S. Mohania, District-Kaimur

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rewatikant Raman

For the Respondent/s : Mr. Raghunandan Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL ORDER

2 28-09-2016

Heard.

This application has been filed under Article 227 of the Constitution of India against the order dated 02.03.2013 passed in Title Suit No. 332 of 2003, whereunder the learned Sub-Judge-3rd, Sasaram rejected the application of the defendant/petitioner to stay the suit till disposal of the Probate Case No. 66 of 2004 pending in the Court of District Judge, Rohtas at Sasaram.

Learned counsel for the petitioner submits that at least the probate case and the title suit should be clubbed.

On going through the impugned order, it appears

that learned Sub-Judge-3rd, Sasaram arrived at a conclusion that the Probate Case has been filed after the present partition suit and in both cases, parties are not same and, accordingly, he rejected the aforesaid application.

In view of the above, I find no illegality to interfere with the same in extraordinary jurisdiction under Article 227 of the Constitution of India and, accordingly, the present application is dismissed.

(Rajendra Kumar Mishra, J)

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