

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10790 of 2014

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Sujit Kumar Mishra @ Ajay Mishra S/o Late Mundrika Mishra Resident of SRT-45 Road No. 13B Rajendra Nagar, P.S- Bahadurpur Town AND Distt- Patna.

.... Petitioner

Versus

Dr. Sanjay Kumar Mishra S/o Late Mundrika Mishra Resident of Mohalla SRT 45 Road No. 13B Rajendra Nagar, P.S- Bahadurpur, Distt- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar No-1

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 12-07-2016

Heard Mr. Mukesh Kumar, learned counsel
appearing for the petitioner.

2. The petitioner has filed a petition under section 24 of the Code of Civil Procedure before the learned District Judge, Patna praying to make the proceeding of Partition Suit No. 591 of 2010 analogous with Eviction Suit No. 13 of 2012. By the impugned order the learned District Judge has rejected the said petition.

3. The facts are not in dispute that Title Partition Suit No. 591 of 2010 was filed wherein the present petitioner and the present respondent have been impleaded as co-defendants. Subsequently, Eviction Suit No. 13 of 2012 has been filed by the present respondent against the petitioner seeking his eviction from the suit premises. The petitioner thereafter filed a petition before the

learned District Judge, Patna praying for analogous hearing of both the partition suit and the eviction suit.

4. After considering the submissions and the materials on record, it transpires that the issue arising in both the suits i.e. title partition suit and the eviction suit are entirely distinct and, therefore, the impugned order has been rightly passed rejecting the prayer of the petitioner for analogous hearing of both the suits.

5. This Court, therefore, is not inclined to allow the prayer made in this application which is, accordingly, dismissed. However, this order will not prejudice the case of the petitioner as pleaded in either of the two suits i.e. the partition suit or the eviction suit.

(V. Nath, J)

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