

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20905 of 2012

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1. BARTI RISHI SON OF LATE RAM SAHI RISHI RESIDENT OF VILLAGE-
NAYA TOLA KALI ASTHAN LACHAURA, P.S.- KADWA, DISTRICT-
KATIHAR
2. DEVI LAL RISHI SON OF BARTI RISHI RESIDENT OF VILLAGE- NAYA
TOLA KALI ASTHAN LACHAURA, P.S.- KADWA, DISTRICT- KATIHAR

.... PETITIONER/S

VERSUS

1. NITYA CHANDRA DAS @ NITAI GHOSH SON OF LATE SHARDA
PRASAD DAS RESIDENT OF VILLAGE- MAWA LAL CHOWK BACK
WEST OF K. HAT, P.S.- K. HAT, DISTRICT- PURNEA
2. TETAR BISHI SON OF LATE RAM SAHI RISHI RESIDENT OF VILLAGE-
KACHOURA, P.S.- KADWA, P.O.- CHANDPUR, DISTRICT- KATIHAR
3. SANT LAL RISHI SON OF BARTI BISHI RESIDENT OF VILLAGE-
KACHOURA, P.S.- KADWA, P.O.- CHANDPUR, DISTRICT- KATIHAR
4. MANTH LAL RISHI SON OF BARTI RISHI RESIDENT OF VILLAGE-
KACHOURA, P.S.- KADWA, P.O.- CHANDPUR, DISTRICT- KATIHAR
5. KARE RISHI SON OF LATE BAUNGI RISHI RESIDENT OF VILLAGE-
KACHOURA, P.S.- KADWA, P.O.- CHANDPUR, DISTRICT- KATIHAR
6. BASO RISHI SON OF LATE RAMU RISHI RESIDENT OF VILLAGE-
KACHOURA, P.S.- KADWA, P.O.- CHANDPUR, DISTRICT- KATIHAR

.... RESPONDENT/S

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Appearance :

For the Petitioner/s : Mr. Suresh Prasad Sah @ Baran-Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

02 07-01-2016 Heard learned counsel for the petitioners, who

happens to be defendants before the learned lower Court.

Because of the fact that certain kinds of embargo has

been put barricading the jurisdiction of Civil Court where the

matter relates with *Bataidari*, petitioners/ defendants raised

objection over maintainability of the suit at several occasion

though the witnesses on behalf of plaintiffs have already been

examined. By the order impugned, the learned lower Court has

opined that all the issues will be conjointly decided at the time of judgment.

Considering the stage of the case as well as the finding recorded by the learned lower Court on that very score, needs no interference in the order impugned.

Accordingly, instant petition is rejected.

However, it will be opened to the petitioners/defendants to raise the question of maintainability of the suit during course of argument, which would also be taken into consideration by the learned lower Court and will decide the issue in accordance with law.

Amit/ Vikash

(Aditya Kumar Trivedi, J)

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