

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3796 of 2014

In
C.R. 1174 of 2007

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Raghubar Shyam Gupta @ Raghubar Shyam & Ors

.... Petitioner/s

Versus

Sandhya Gupta & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajendra Kishore Prasad

For the Respondent/s : Mr. Narendra Kumar

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

4 05-02-2016

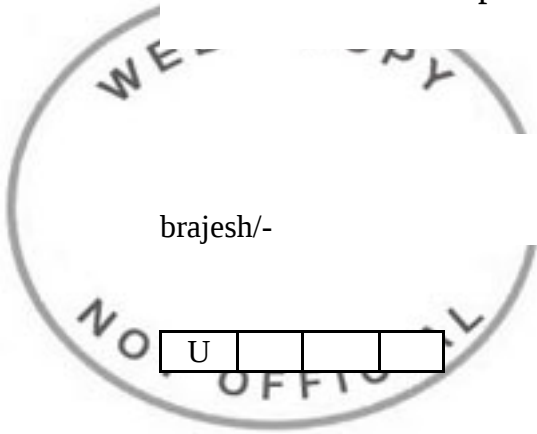
Heard, Mr. Ramjee Prasad, learned counsel appearing for the petitioners and Mr. Vishnudeo Narayan, learned Senior counsel appearing for the respondents.

By the impugned order dated 23.03.2005, the learned Sub-Judge-VIII, Patna in Title Partition Suit No. 282 of 2005 only directed the defendants-petitioners to lead evidence first in view of the provisions as contained in Order 18 Rule 1 C.P.C.

It appears that the partition suit was filed by the plaintiffs-respondents. The defendants-petitioners appeared and filed written statement alleging that, in fact, there had already been partition. Considering this fact, the court below has directed to begin first.

In such view of the matter, in no way, it can be said that the petitioners are prejudiced nor it has occasioned failure of

justice, therefore, the impugned order cannot be interfered with in
supervisory jurisdiction. Thus, this writ application is dismissed.



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(Mungeshwar Sahoo, J)