

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19128 of 2015

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1. Raju Kumar Singh @ Raju Singh son of Late Chandradeo Singh resident of Mohalla - Gola Road, Gajadhar Chak, P.S. - Danapur, P.O. - Danapur Cantt, District - Patna.

.... Petitioner/s

Versus

1. Abhay Kumar Singh son of Raj Narain Singh resident of Village - Kathautia Kala, P.O. - Sarai, P.S. - Maner, District - Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 15-02-2016

Heard learned counsel for the petitioner.

By the impugned order, the court below has rejected the application filed by the petitioner to frame and decide the preliminary issue under Order 14 Rule 2 C.P.C.

Perused the order passed by the court below. The court below has held that all the points raised by the defendant-petitioner require evidence and, therefore, the same cannot be decided as preliminary issue.

After amendment of the provision as contained in Order 14 Rule 2 C.P.C., it is not obligatory on the part of the court to decide the mixed question of law and fact as preliminary issue. Therefore, there is no jurisdictional error. Thus, this writ application is dismissed.

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(Mungeshwar Sahoo, J.)