

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.5214 of 2014

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Srimati Kalawati Devi & Ors

.... Petitioner/s

Versus

Sheoji Singh & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Tiwary

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 29-01-2016

Heard learned counsel, Mr. Dhananjay Kumar Tiwari

for the petitioner and learned counsel, Mr. Naresh Prasad, on
behalf of the respondent.

The petitioners have challenged the order dated
08.01.2014 passed by the Sub-Judge I, Gopalganj in Title Suit No.
226 of 2001 whereby the Court below refused to hear this suit
analogously with Title Suit No. 555 of 2013.

It appears that both the suits have been filed by the
petitioners. In 2001 the sale deed executed in favour of the
defendant has been challenged and subsequent suit of the year
2013 has been filed challenging the other sale deed executed by
the same person in favour of the same defendant. The petitioners
thereafter filed an application under Section 151 C.P.C. By the
impugned order, the Court below held that the subject matter of
both the suits are different. The stage of both the suits are different

and the defendants of both the parties are also not same and accordingly rejected the application under Section 151 C.P.C.

Since the order passed by the Court below has been passed in exercise of inherence jurisdiction under Section 151 C.P.C. This Court cannot interfere the same in exercise of supervisory jurisdiction under Article 227 of the Constitution of India. Thus this writ application is dismissed.

(Mungeshwar Sahoo, J)

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