

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.13068 of 2014

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Shri Ranjit Kumar Sharma S.O Satrudhan Prasad Sharma resident of Mohalla
Mouna Mishri Tola, P.S. Chapra town Distt - Saran at Chapra.

.... Petitioner/s

Versus

Jitendra Prasad S/O Late Mahabir Prasad resident of village - Urmila Niwas T.R.P.
Road Fancy Bazar, p.s. Guwahari - 70/001 Distt Kamrup Asam at present address
Mohalla Nandanpath P.O. and P.S. Chapra Town Distt - Saran at Chapra.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kumar, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 15-09-2016

Nobody has appeared on behalf of the petitioner. Learned
counsel for the respondent is present.

By the impugned order the learned court below has
turned down the prayer on behalf of the defendant for framing the
issue of maintainability of the suit as preliminary issue.

From the perusal of the impugned order, it transpires that
the learned court below has considered the facts and circumstances of
the case and thereafter has come to the conclusion that the issue of
maintainability of the suit has already been framed as one of the
issues in the suit and in that view of the matter, the learned court
below has turned down the prayer for framing the same issue again as

preliminary issue.

In this backdrop, this Court does not find any reason to interdict the impugned order. The application is accordingly, dismissed.

(V. Nath, J)

Devendra/-

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