

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19349 of 2015

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State Of Bihar & Ors

.... Petitioner/s

Versus

M/s Suraj Construction & Anr

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Yashraj Bardhan

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 18-07-2016 Heard the learned counsel, Mr. Yashraj Bardhan, A.C. to

S.C.20 for the petitioners and the learned senior counsel, Mr.

Rama Kant Sharma for the respondents.

Perused the order dated 04.07.2015 passed by Sub Judge
I, Vaishali at Hajipur in Title Suit No.540 of 2007 whereby the
learned Court below held that it is convenient for deciding
analogously this Title Suit No.540 of 2007 with Money Suit No.1
of 2010. The Court below recorded clear finding that in both the
cases the plaintiffs are same and the defendant is also same. The
matter in issue is identical and the cause of action is same so
analogous trial is essential.

In C.P.C., there is no provision for hearing of the suits
analogously. However, the Courts, in exercise of inherent
jurisdiction under Section 151 C.P.C., heard the suits analogously.
When on the basis of the facts of both the cases, considering the

subject matter and also the relief and the party position when the Court below exercised the jurisdiction under Section 151 C.P.C., this Court for the purpose of supervising the order should refrain from taking another view even if it is possible.

However, so far the order passed by the Court below is concerned, it cannot be said that it is arbitrary order, illegal order or it has been passed in the manner not permitted by law. Moreover, in my opinion, no prejudice is caused to the petitioners.

In view of the above facts and circumstances of the case, in my opinion, no case for interference in supervisory jurisdiction is made out. Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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