

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4181 of 2015

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Sarita Kumari & Ors

.... Petitioner/s

Versus

Vijay Krishna & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Subroteswar De

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

4 03-08-2016

Heard learned counsel Mr. L.N. Das for the petitioners

and learned counsel Mr. B. Narayan for the respondents.

The learned counsel for the petitioners as well as learned counsel for the respondents submitted that in view of the decision of the Hon'ble Supreme Court in the case of **Union of India Vs. Ibrahim Uddin & Anr., reported in 2013 (1) P.L.J.R. 48 (SC)** the application under Order 41 Rule 27 CPC may be heard along with hearing of the appeal and the application shall be considered in the judgment itself.

In view of the decision of the Supreme Court referred to above and in view of the submission of learned counsels for both the parties the impugned order dated 24.04.2014 passed by learned A.D.J.-XIV, Patna in Title Appeal No.275 of 2007 is set aside. The lower appellate court is directed to hear the application under Order 41 Rule 27 CPC filed by the respondent herein

(appellant before the court below) along with appeal itself according to the decision of the Supreme Court.

Thus, this writ application stands allowed.

(Mungeshwar Sahoo, J)

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