

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1175 of 2016**

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Sri Rudra Narayan Mishra @ Rudo & Anr

.... Appellant/s

Versus

The State of Bihar & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Diwakar Yadav

For the Respondent/s : Mr. Anil Kumar Sinha-Ga1

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 24-11-2016

Heard learned counsel for the petitioners.

Perused the impugned order dated 26.05.2016 passed by Subordinate Judge-XI, Bhagalpur in Title Suit No.23 of 2015 whereby the learned court below has only directed the plaintiffs-petitioners to file the original deed of agreement because the defendant is questioning the genuineness of the original agreement on the basis of which the suit for specific performance of agreement has been filed by the plaintiffs-petitioners.

Since the petitioners are plaintiffs, who have filed the suit for specific performance of contract and the defence of the defendant is that the agreement is forged and fabricated, the petitioners must comply the order passed by the court below failing which the court below shall dismiss the suit for specific performance of contract.

Accordingly, this civil miscellaneous application is dismissed with the aforesaid direction.

Harish/-

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(Mungeshwar Sahoo, J)