

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10300 of 2014

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Krishandeo Thakur, Son of Late Ram Sunder Thakur, Resident of village Chakarwaya, P.S. Hajipur Sadar, P.O. Izra, District- Vaishali

.... Petitioner

Versus

Deepak Kumar Sharma @ Deepak Kumar, Son of Mathura Sharma, Resident of village Shrirampur Minapur Raj, P.S. Hajipur Sadar, District- Vaishali

.... Respondent

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Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Soni

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL ORDER

2 27-06-2016

No body appears on behalf of the petitioner.

The defendant in the suit for eviction has filed the present application under Article 227 of the Constitution of India assailing the order by which the learned court below has turned down the prayer to consider the maintainability of the suit as preliminary issue.

From the perusal of the averments made in the petition and the impugned order, it transpires that the question of maintainability of the suit has been framed as issue no.1 in the suit and the learned court below has held that the said issue shall be decided on merits alongwith other issues. This Court does not find any error of jurisdiction or illegality committed by the learned court below in passing the impugned order justifying the

interference under Article 227 of the Constitution of India.

The application is accordingly dismissed.

(V. Nath, J)

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