

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6129 of 2015

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1. Patna Branch A.G. Office Housing Co-operative Society Ltd., Patna through it's Honorary Secretary having it's registered office at A.G. Colony, Sheikhpura, P.S. Shastri Nagar, District- Patna.

.... Petitioner/s

Versus

1. Mahesh Kumar Yadav @ Mahesh Yadav, son of not known to the petitioner, resident of C/o Bengali Sharma, Mangatam timber, A.G. Colony, Main Road, Sheikhpura, P.S. Shastri Nagar, District- Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 28-03-2016 By order dated 20.02.2015, learned Munsif-II, Patna in Title Suit No.25 of 2000, rejected the application filed by the plaintiff- petitioner for deciding the issue of maintainability of the Suit as preliminary Suit under Order XIV, Rule 2 of the Code of Civil Procedure.

Both the parties have concluded their evidence and the arguments have been heard in part and issue regarding maintainability of the Suit has already been framed.

In view of the above position that the arguments have been heard in part, at this stage, it is not necessary to decide the question of maintainability of the Suit as preliminary issue. The mandate of Order 14, Rule 2 is that the court is to pronounce

judgment on all issues. There is only exception to this mandate provided under order XIV, Rule 2 CPC.

In view of the above, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction.

Thus the application is dismissed.

(Mungeshwar Sahoo, J)

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