

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.263 of 2017

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Yogi Mahto & Anr

.... Petitioners

Versus

Phulgamiya Devi & Ors

.... Respondents

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Appearance :

For the Petitioners : Mr. Choudhary Shyam Nandan

For the Respondents : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 17-02-2017 Heard learned Senior Counsel Mr. J.S. Arora for the

petitioners.

The only grievance of the petitioner is that the court below is insisting the petitioners to produce evidence in spite of the fact that the petitioners have filed an application under Section 10 of the Code of Civil Procedure praying for stay of further proceeding during pendency of Title Suit No.141 of 2011.

In view of the submission of learned Senior Counsel it appears that the application filed by the petitioners under Section 10 of the Code of Civil Procedure is still pending before the court below. Therefore, this court without making any observation on merit is granting liberty to the petitioners to press the application before the court below and if it is pressed, the court below shall consider and pass order according to law.

However, this civil miscellaneous application for the



relief claimed under Article 227 of the Constitution of India is not maintainable and accordingly, it is dismissed.

(Mungeshwar Sahoo, J)

Harish/-

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