

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1431 of 2016

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Mahesh Prasad & Ors

.... Appellant/s

Versus

M/s Settelite Gold Developers Pvt. Ltd. & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Mahesh Prasad

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO

ORAL ORDER

4 13-01-2017 Heard the learned senior counsel, Mr. Dhruv Narain for the petitioner.

Perused the impugned order dated 18.10.2016 passed by Sub Judge VI, Patna in Money Suit No.5 of 2014 whereby the Court below has rejected the application filed by the petitioner for permission to make construction and finishing the work of his 50 per cent share in the apartment.

From perusal of the impugned order, it appears that the suit is purely a money suit and, therefore, the issue whether the plaintiff will get 50 per cent share or that who is to construct the apartments and in what manner are not at all involved for decision in the suit nor there is any such relief in the suit. It further appears that the Court below in this very money suit has restrained the defendants from alienating the suit flats. It further appears that the suit is proceeding ex.-parte and, therefore, the petitioner is at



liberty to get the suit decided expeditiously but on the ground that his portion of the flats has not been completed by the builder, i.e., M/s Garima Construction Pvt. Ltd., the plaintiff cannot permit ex.-parte at this stage for construction and for finishing his portion of the flats.

Thus, I find no reason to interfere with the impugned order and accordingly, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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