

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.16 of 2017**

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Veermani Pandey & Anr

.... Petitioner/s

Versus

Ram Padarath Pandey & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Pankaj Kumar

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 18-01-2017 Heard the learned counsel, Mr. Pankaj Kumar for the
petitioners.

Perused the impugned order dated 02.11.2016 passed by
the learned Sub Judge I, Sheikhpura in Title Suit No.43 of 2009
whereby the learned Court below rejected the application filed by
the petitioners under Section 151 C.P.C. seeking permission to
contest the suit.

Admittedly, the learned Court below has earlier rejected
the same prayer on 30.03.2012 and against that the petitioner has
filed C.W.J.C. No.8618 of 2012 which is still pending. During the
pendency of this writ application, the petitioner filed application
under Section 151 C.P.C. praying for recall of the order dated
30.03.2012 indirectly which is under challenge before the High
Court in the aforesaid writ application. Since the order dated
30.03.2012 is under challenge before the High Court whereby the



petitioner was debarred from contesting the suit, there is no question of allowing the court below to the petitioners to contest the suit during the pendency of the writ application.

Therefore, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. The court below itself has held that the petitioner may get his remedy redressed before the High Court in aforesaid writ application.

Accordingly, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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