

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.195 of 2017**

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Shiv Kumari Devi

.... Appellant/s

Versus

Bharat Pandey & Anr

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Madhaw Prasad Yadaw

For the Respondent/s : Mr.

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

- 2 03-02-2017 **1.** Heard the learned counsel for the petitioner.
- 2.** Perused the impugned order dated 22.08.2015 passed by the Addl. Munsif VIIIth, Saran at Chapra in Misc. Case No.1 of 2013 whereby the Court below has only admitted the Misc. case and directed the parties to produce their respective evidences. This Misc. case arises out of an application filed under Order 9 Rule 13 CPC.
- 3.** From perusal of the application under Order 9 Rule 13 CPC which is annexed as Annexure '2' to this Civil Misc. application, it appears that the ground taken by the petitioner of the Misc. case that the suit was disposed of by the Court below without hearing the defendant petitioner of Misc. case as his Advocate has died. Thus, when the Misc. case has only been admitted for final decision, in my opinion, no prejudice is caused



to the present petitioner and thus, the order needs no interference in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

4. Accordingly, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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