

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.285 of 2017**

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Kanhaiya Prasad Singh

.... Petitioner

Versus

Arun Kumar Singh

.... Respondent
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Appearance :

For the Petitioner : Mr. Anish Chandra Sinha

For the Respondents : Mr.

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

2 17-02-2017 Heard learned counsel Mr. Anish Chandra Sinha for the
petitioner.

Perused the impugned order dated 02.04.2016 passed by
learned Subordinate Judge-II, Darbhanga in Title Suit No.133 of
2012 whereby the learned Subordinate Judge has only re-casted
the issue.

In no case it can be said that the court has no jurisdiction
to re-cast the issue. The order, therefore, cannot be said to be
irrational or without jurisdiction nor it can be said that by the
impugned order the petitioner is prejudiced in any way nor it
occasioned failure of justice. Therefore, it is not a case for
interference in exercise of supervisory jurisdiction.

Thus, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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