

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15982 of 2013

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1. Prem Prakash Son Of Late Pramod Kumar Singh Resident Of Flat No.402
Narayan Shree Apartment, Anandpuri, Boring Canal Road, Patna

.... Petitioner/s

Versus

1. Dr. Upendra Kumar Rai Son Of Hansraj Rai Resident Of Village - Diliyan, P.S.
Delhri, District - Rohtas At Present Mohalla - Civil Lines G.T. Road, P.S. Sasaram
(Model) District - Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. SIDDHARTH HARSH, Adv
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 31-01-2017

Heard learned counsel for the petitioner.

By the impugned order the learned court below has
turned down the objection on behalf of the defendant in the money
suit pertaining to the territorial jurisdiction of the Court.

After considering the submissions and perusal of the
materials on record including the impugned order, it transpires that the
money suit has been filed against the present defendant-petitioner for
realization of the amount of Rs. 28,26,357/- alongwith the interest.
The fact has also been admitted by the learned counsel for the
petitioner that in the written statement the objection to the territorial



jurisdiction has not been raised. Subsequently, the petition was filed by the defendant-petitioner stating that the defendant petitioner did not reside at the place as mentioned in the plaint. The court below has taken into consideration the affidavit filed by the petitioner in the criminal proceeding before the court of C.J.M, Rohtas which has been initiated under Section 138 N.I. Act and also under Section 420 of the Indian Penal Code where the address given by the petitioner has been found to be same as given by the plaintiff in the plaint.

After considering the facts and circumstances as well as materials on record, this Court holds that the learned court below has rightly rejected the objection raised by the defendant-petitioner and further comes to the conclusion that objection as raised by the petitioner was vexatious and frivolous. In this backdrop, this Court is not inclined to invoke its jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order.

The application is, accordingly, dismissed.

However, the court below is directed to expeditiously dispose of the suit in accordance with law.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	NA
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Transmission Date	NA

