

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17192 of 2013

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1. Sher Ali @ Raja Son Of Md Kalim Khan R/O Sahadut Hasan Lane
Tatarpur Market, P.S. Tatarpur, District Bhagalpur

2. Kasib Kalim Khan @ Kaifi Son Of Md Kalim Khan R/O Sahadut Hasan
Lane Tatarpur Market, P.S. Tatarpur, District Bhagalpur

3. Md Karim Khan Son Of Late Md Ismail Khan R/O Sahadut Hasan Lane
Tatarpur Market, P.S. Tatarpur, District Bhagalpur

.... Petitioner/s

Versus

1. Md. Safiullah Son Of Hemayatullah Ansari Resident Of Village -
Barichak, P.S. - Tatarpur, Distt - Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Gupta
Mr. Rajeev Ranjan.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 28-02-2017

Heard.

Petitioners have challenged the order dated 04-07-2013
passed by learned Munsif-II, Bhagalpur in Title Suit No. 51 of
2012 by which he rejected the prayer of petitioners to decide the
aforesaid suit framing preliminary issues.

Petitioners are defendants in aforesaid Title Suit No.
51 of 2012 and they filed a petition praying therein to frame
preliminary issues and decide the aforesaid suit on the basis of
preliminary issues as they claimed the suit properties on the basis
of gift and furthermore, the suit was highly time barred. The
learned court below refused to accept the contention of the
petitioners.



Perused the petition filed by the petitioners before the court below, which has been annexed with this petition as Annexure-4 to the petition and after perusal of the aforesaid petition, I find that the learned court below rightly rejected the aforesaid petition and refused to decide the suit after framing preliminary issues.

In the aforesaid circumstance, I do not find any ground to interfere with the impugned order.

Accordingly, this petition stands dismissed and the impugned order passed by the court below is, hereby, affirmed.

However, this order shall not cause any prejudice to the court below as well as to the parties in raising and deciding the issues, raised by the petitioners in their petition at the time of final argument as well as passing of final judgment.

(Hemant Kumar Srivastava, J)

A.K.V./-

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