

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.345 of 2017

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1. Ramswarup Singh, Son of Late Ayodhya Prasad Singh, Resident of village-Harnathchak, P.S.-Gopalpur, District-Bhagalpur.
 2. Tetar Ayodhya Ucha Vidyalaya Naugachia through Secretary, Ramswarup Singh.
 3. Manoranjan Prasad Singh @ Vijay Singh, son of Sri Fuleshwar Prasad Singh, Resident of Rajendra Colony, Naugachia, P.S.-Naugachia, Sub Division-Naugachia, District-Bhagalpur.

.... Petitioners.

Versus

1. Bishno Devi Wife of Late Jago Paswan.
2. Chunchun Paswan.
3. Ashok Paswan.
4. Jitendra Paswan.

All respondents nos. 2 to 4 are sons of Late Jago Paswan.

All resident of Village-Bisaiotola, P.S., P.S.-Anchal and Sub Division-Naugachia, District-Bhagalpur.

... Respondents

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Appearance :

For the Appellant/s : Mr. Rajesh Kumar Pandey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 27-02-2017

Heard the learned counsel for the petitioners.

The defendants are the petitioners in the application and has questioned the legal acceptability of the impugned order by which the learned court below has dismissed the petition filed by the defendant-petitioners for dismissal of the suit under Section 11 C.P.C and 48E(13) B.T.Act.

After considering the submissions and perusal of the impugned order, this Court finds that the learned court below after considering the submissions on behalf of the parties and



materials on record has come to the conclusion that it would be in interest of justice to adjudicate the objections finally by framing issues and allowing the parties to be heard, and dispose of the suit by final judgment. This Court has not been persuaded to find that the discretion exercised by the court in rejecting the petition filed by the petitioners is perverse or illegal. In that view of the matter, this Court does not find any reason to invoke the jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order.

This application is accordingly dismissed.

The learned court below however is directed to expeditiously dispose of the suit.

(V. Nath, J)

Nitesh/-

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