

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15377 of 2013

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1. Smt. Champa Devi W/O Ramdeo Prasad R/O Village Nabiganj Saren @
Tehta, P.O. Tehta, P.S. Makhdumpur, District - Jehanabad.

.... Petitioner/s

Versus

1. Doman Prasad S/O Late Bhola Sao R/O Village Nabiganj Saren @ Tehta,
P.O. Tehta, P.S. Makhdumpur, District - Jehanabad

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Anil Kumar Sinha, Adv & Miss. Nikki Singh,
Adv

For the Respondent/s : Mr. Jitendra Kumar Giri, Adv

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 19-01-2017

I.A. No. 4590 of 2016

Heard learned counsel for the petitioner.

The prayer made in the interlocutory application
(I.A. No. 4590 of 2016) for substitution of heirs and legal
representatives of the deceased petitioner, Champa Devi, is
allowed and the heirs and legal representatives as mentioned in
paragraph no. 2 of the aforesaid interlocutory application are
substituted in her place after expunging the name of the



deceased petitioner.

C.W.J.C No. 15377 of 2013

Heard learned counsel for the parties.

The present application has been filed questioning the legal sustainability of the impugned order dated 30.08.2012 passed in Miscellaneous Case No. 27/200/ 01/2012 by which the learned court below has posted the matter for recording the evidence of the parties.

Mr. Anil Kumar Sinha, learned counsel appearing for the petitioner has referred to the background of the case and has submitted that the miscellaneous case itself was not maintainable and learned court below ought not to have passed the order for recording the evidence of the parties.

After considering the submissions and perusal of the materials on record, it is manifest that by the impugned order the learned court below has come to the conclusion that the evidence is required to be recorded for just and proper decision of the matter and accordingly has posted the matter for recording the evidence.

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.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08.02.2017
Transmission Date	N.A.

