

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.15445 of 2013

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1. Mahesh Mistri Son Of Late Kishun Mistri Resident Of Jagdishpur, P.S.
Jagdishpur, District - Bhagalpur

2. Ramesh Mistri Son Of Late Kishun Mistri Resident Of Jagdishpur, P.S.
Jagdishpur, District - Bhagalpur

.... Petitioner/s

Versus

1. Kedar Nath Bhagat Son Of Baijnath Bhagat Resident Of Jagdishpur, P.O.
Jagdishpur, P.S. Jagdishpur, District - Bhagalpur

2. Murlidhar Bhagat Son Of Baijnath Bhagat Resident Of Jagdishpur, P.O.
Jagdishpur, P.S. Jagdishpur, District - Bhagalpur

3. Harideyal Narayan Mandal Son Of Late Randhari Mandal Resident Of
Jagdishpur, P.O. & P.S. Jagdishpur, District - Bhagalpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 16-01-2017

Nobody appears on behalf of the petitioners even after repeated calls.

The present application has been filed praying for quashing the order dated 02.07.2013 passed in Miscellaneous Case No. 16 of 2013(arising out of Title Execution Case No. 02 of 2012) whereby the court below has dismissed the petition filed by the petitioners.

It transpires from the records as well as from the impugned order that this petition was filed by the present petitioners under Order 1 Rule 97 in the execution case claiming their



preferential right to purchase the suit land.

The learned court below after considering the facts and materials on record has come to the conclusion that the petitioners have no title or possession over the suit land and on that basis has rejected the miscellaneous case initiated on the basis of the petition filed by the petitioners.

In this factual background, this Court is not inclined to interfere with the impugned order to invoke its jurisdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18.01.17
Transmission Date	N.A.

