

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.18794 of 2014

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1. Harihar Roy Son of Late Mahendra Roy
2. Santosh Kumar Roy
3. Sonu Kumar Roy Both Sons of Harihar Roy
All resident of Road No. 2A/18, Indrapuri Road, Police Station- Patliputra, Town
and District- Patna

.... Petitioner/s

Versus

1. Nidhi Kumari Wife of Shri Prashant Kumar, at present resident of Dariyapur
Road, P.S.- Kadam Kuan, Town and District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Baban Roy, Adv.

For the Respondent/s : M/s Karandeep Kumar and Manoj Kumar, Advs.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 26-06-2018

This application has been filed to quash the order dated 12.08.2014 passed by the District Judge, Patna in Civil Miscellaneous (Transfer) Case No. 136 of 2014 whereby and whereunder three cases pending in three different vacant courts were transferred to the court of Sub-Judge-XII, Patna on the prayer of petitioners, but their prayer to transfer Eviction Suit No. 35 of 2011 pending in the court of Munsif-III, Patna, was refused.

2. Heard learned counsels for the petitioners and the respondents.

3. It appears that the petitioners have filed Title Suit No.249 of 2010 before Sub-Judge-I, Patna. They filed some other



cases in different courts against the different persons. The defendants of all the four cases are different persons. Out of the aforesaid four cases, three pending in the court of Sub-Judge (vacant court) have been transferred in a running court of Sub-Judge-XII, Patna. The 4th case is pending in the court of Munsif at the stage of evidence. The cause of action and relief of plaintiff in all the cases are different for which separate evidence is required for adjudication. All the four cases are independent and they are to be decided by separate judgments. This fact has not been denied by the learned counsel for the petitioners.

4. In the above facts and circumstances, the court below has not committed any error in refusing to transfer the Eviction Suit No.35 of 2011 pending in the court of Munsif-II. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
CAV DATE	N/A
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