

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.641 of 2017

Shri Kailash Prasad Singh Son of Late Yogendra Prasad Singh, Resident of Village- Basudevpur Chandel of the District- Vaishali. At Present Resident of Flat No. 402, Shiva Enclave, Ved Nagar- Rukunpura, Police Station- Rupaspura, District- Patna- 14.

... .. Defendant/Petitioner

Versus

M/s Padmasana Developers Private Limited through its Director Shri Ramudar Singh having its registered office at 5, Shiva Enclave, Vednagar, Rukunpura, Police Station Rupaspur, District- Patna- 14.

... .. Plaintiff/Respondent

Appearance :

For the Appellant/s : Mr. Bishwanath Prasad Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date : 06-09-2018

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

2. The petitioner has filed this civil miscellaneous petition against the order dated 09.02.2017 passed by the learned Sub-Judge-II, Danapur in Title Suit No.173 of 2003 by which the petition of the petitioner filed under Order XIV Rule 2 of the CPC has been dismissed.

3. The petitioner is the defendant in the suit. The plaintiff is the developer of the suit land. The defendant is one of the purchasers of the flat from the plaintiff. The developer filed a suit for declaration that the agreement between the plaintiff-developer and the purchaser-defendant dated 05.05.2001 comes to



an end and the money deposited by the purchaser shall be deemed to be forfeited on account of violations of the agreement arrived at between the developer and the purchaser. During the pendency of the suit, the petitioner filed petition that according the agreement, the suit shall lie at the District Court, Patna falling within the Patna town and not at Danapur and the defendant prayed that this issue may be decided first. The learned Sub-Judge dismissed the petition of the petitioner holding that Danapur Civil Court also falls within the District Court, Patna and the property in dispute falls within the territorial jurisdictions of Danapur Civil Court and not within the territorial jurisdiction of any of the Sub-Judge sitting at the District Headquarter, Patna.

4. The learned counsel for the petitioner submits that according to the agreement if any party is aggrieved by any terms and conditions or any dispute arose between the developer and the purchaser, the aggrieved party may file suit before the Civil Court, Patna but from the perusal of the agreement as pointed out by the learned counsel for the respondent only thing is written that the Civil Court, Patna shall have jurisdiction over the dispute arises between the developer and the purchaser. The Civil Court, Danapur is also part of the District Court, Patna, therefore, I find



that the learned Sub-Judge has rightly dismissed the petition of the petitioner.

5. Accordingly, I do not find any merit in this civil miscellaneous petition and the same is dismissed.

(Prabhat Kumar Jha, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	10.09.2018
Transmission Date	NA

