

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.42 of 2018

In

Civil Writ Jurisdiction Case No.9864 of 2017

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Shailesh Kumar, Son of Late Bangali Singh, resident of 'Sumitra Sadan', West Boring Canal Road, P.S.- Srikrishnapuri, District- Patna, Partner of S.R.M. Builders, having its office at Boring Canal Road, P.S.- Srikrishnapuri, District- Patna.

... .. Respondent-Appellant/s

Versus

1. Tarun Kumar, Son of Late Jagdish Prasad, resident of Nutan Vihar Apartment, Doctor's Colony Road, P.S. Kankarbagh, District- Patna, Managing Partner S.R.M. Builders, having its office at Nepali Kothi Boring Road, P.S.- Srikrishnapuri, District- Patna.

.... Petitioner/ Respondent.

2. Patna Municipal Corporation, Maurya Lok Complex, P.S.- Kotwali, Patna, through Municipal Commissioner.
3. Municipal Commissioner, Patna Municipal Corporation Maurya Lok Complex, P.S. Kotwali, Patna.
4. Rajesh Kumar,
5. Mukesh Kumar,
Both son of late Bangali Singh, resident of 'Sumitra Sadan' West Boring Canal Road, P.S.- Srikrishnapuri, District- Patna. Partners of S.R.M. Builders, having its office at Boring Canal Road, P.S.- Srikrishnapuri, District- Patna.
6. S.R.M. Builders, Nepali Kothi, Near Boring Road Chauraha, P.S.- Srikrishnapuri, District- Patna, through its Managing Partner Sri Tarun Kumar.
7. Surya Nest Build Limited, Signature Building, Beside Hira Sweets Lane, Boring Canal Road, P.S. - Srikrishnapuri, District- Patna.

... .. Respondents-Respondent/s

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Appearance :

For the Appellant/s : Mr. Aditya Narayan Singh-1, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL ORDER

(Per: HONOURABLE THE CHIEF JUSTICE)

3 09-03-2018 Defect No.5 pointed out by the office stands ignored.

The matter is heard on the question of admission.

Challenging an interlocutory order passed by the Writ



Court on 01.12.2017 in Civil Writ Jurisdiction Case No.9864 of 2017, in the matter of modification of an earlier interim order granted on 18.10.2017 with regard to the issue of construction and sale of the flats in question, this appeal has been filed under Clause 10 of the Letters Patent.

Having heard learned counsel for the parties, we are of the considered view that the order being interlocutory in nature and subject to final decision of the writ petition, at this stage, it is not appropriate for this Court to interfere into the matter. Accordingly, we see no reason to make any indulgence into the matter. The appeal stands dismissed.

However, we request the learned Writ Court to consider the disposal of the pending writ petition at an earlier date.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

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