

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.156 of 2019

1. Shailesh Kumar Sahu aged about 63 Years (M) son of Rajeshwar Prasad Sahu Resident of Village- Sahu Parbatta, P.S. Parbatta, Distt, Bhagalpur
2. Shubhlesh Kumar Sahu aged about 60 years (M) Son of Rajeshwar Prasad Sahu Resident of Village- Sahu Parbatta, P.S. Parbatta, Distt. Bhagalpur

... ..Plaintiffs/ Petitioners

Versus

1. Manilesh Kumar Sahu aged about 60 years (M) Son of late Hare Krishna Sahu Resident of Village- Sahu Parbatta, P.S. Parbatta, District- Bhagalpur
2. Koshlesh Kumar Sahu aged about 57 years (M) Son of late Hare Krishna Sahu Resident of Village- Sahu Parbatta, P.S. Parbatta, District- Bhagalpur
3. Umesh Kumar Sahu aged about 54 years (M) Son of late Hare Krishna Sahu Resident of Village- Sahu Parbatta, P.S. Parbatta, District- Bhagalpur
4. Raju Sahu aged about 50 years (M) Son of late Hare Krishna Sahu Resident of Village- Sahu Parbatta, P.S. Parbatta, District- Bhagalpur

... Defendants 1st Set/Respondents

5. Neelam Devi aged about 52 years (F) Wife of Brahmanand Sharma, D/o late Hare Krishna Sahu Resident of Village- Korha, P.S. Korha, Distt. Deoghar.

.... Defendant 2nd Set/Respondent

6. Dhani Yadav aged about 65 years (M) Son of late Bhagli Yadav
7. Vinay Yadav aged about 57 years (M) Son of late Bhagli Yadav
8. Bengo Pandit (M) 55 years Son of late Bhagwat Pandit Resident of Village and P.O. Jagatpur, P.S. Parbatta, Distt. Bhagalpur
9. Ghumel Pandit (M) 55 years Son of late Bhagwat Pandit Resident of Village and P.O. Jagatpur, P.S. Parbatta, Distt. Bhagalpur
10. Panchi Devi (F) 70 years Wife of Medu Mandal Resident of Village Kanki Tola, P.O.-Sahu Parbatta, P.S. Parbatta, Distt. Bhagalpur

... ..Defendants 3rd Set/Respondents

Appearance :

For the Appellant/s : Mr. Deepak Kumar
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL ORDER

2 26-02-2019

Heard learned counsel for the petitioners.

2. By way of the present application preferred



under Article 227 of the Constitution of India, the petitioners have challenged the order dated 18.12.2018 passed by learned Sub-Judge-III, Naugachia in Title Suit No. 129 of 2018 by which he has rejected the petition filed by the petitioners under Order 39 Rule 1 & 2 read with Section 151 of the Code of Civil Procedure.

3. Keeping in mind the equally efficacious statutory remedy being available to the petitioners under Order 43 Rule 1 of the Code of Civil Procedure against the impugned order passed by the court below, I am not inclined to entertain this application under Article 227 of the Constitution of India.

4. Accordingly, the application is dismissed.

(Ashwani Kumar Singh, J)

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