

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.91 of 2018

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Lallan Prasad Sinha Son of late Purnendu Narayan Sinha, Resident of Rajeev Sadan, 67E, Road No. 11F, Rajendra Nagar, P.S. Kadamkuan, District- Patna- 800016.

... .. Petitioner/s

Versus

1. Vijaynt Sinha @ Gaurav Son of Sri Anil Prakash Sinha, Resident of Rajeev Sadan, 67E, Road No. 11F, Rajendra Nagar, P.S. Kadamkuan, District- Patna- 800016
2. Anil Prakash Sinha, Son of late Purnendu Narayan Sinha, Resident of Rajeev Sadan, 67E, Road No. 11F, Rajendra Nagar, P.S. Kadamkuan, District- Patna- 800016
3. The Estate of Late Purnendu Narayan Sinha, Son of late Surajdeo Narayan Sinha, Resident of Village- Bhawdeopur, P.S. Riga, District- Sitamarhi, Present address- Rajeev Sadan, 67E Road No 11F, Rajendra Nagar, P.S. Kadamkuan, District- 800016.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Amar Nath Deo
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 29-01-2020 This civil revision application has been filed against an order dated 22.05.2018 passed by learned Additional District Judge-X, Patna in Title Suit No. 5 of 2018, whereby the Court below has refused to stay the proceeding of Title Suit No. 4 of 2018.

In my view, this civil revision application cannot be maintained, in view of the *proviso* to sub-section (1) of Section 115 of the Code of Civil Procedure, 1908, as the High Court cannot entertain a civil revision application against an order



passed by the Court below in course of a suit or other proceeding, unless it is shown that had the order been made in favour of the party, applying for revision, it would have been finally disposed of the suit or the other proceedings.

In view of the clear bar in proviso to sub-section (1) of Section 115 of the Code, this application is dismissed as not maintainable.

(Chakradhari Sharan Singh, J)

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