

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.187 of 2023

Bindeshwar Singh son of Kamleshwar Singh, resident of Mahuari Bagicha,
Sarai, P.S.- Danapur, Patna, Bihar- 801113.

... .. Petitioner/s

Versus

1. Smt. Rinki Devi wife of Sri Vikash Singh, daughter of Late Dineshwar Singh, resident of Village- Chamari Chak, P.S.- Danapur, Dist.- Patna.
2. Shrikant Kumar @ Binit Kumar @ Mantu son of Late Dineshwar Singh, resident of Village- Chamari Chak, P.S.- Danapur, Dist.- Patna.
3. Seema Devi wife of Late Nirmal Singh, resident of Village- Mahuari Bagicha, P.O.- Sarai, P.S.- Maner, Dist.- Patna.
4. Sumit Kumar son of Late Nirmal Singh, resident of Village- Mahuari Bagicha, P.O.- Sarai, P.S.- Maner, Dist.- Patna.
5. Rohit Kumar son of Late Nirmal Singh, resident of Village- Mahuari Bagicha, P.O.- Sarai, P.S.- Maner, Dist.- Patna.
6. Sri Sanjay Kumar, son of Late Mohan Paswan, resident of Sarpanch of Village- Panchayat Raj Sarai, P.S.- Maner, Dist.- Patna.
7. Sri Lal Babu Singh, son of Chalitra Singh, resident of Sarpanch of Gram Panchayat Raj Balua, P.S.- Maner, Dist.- Patna.
8. Chandsi Prasad Rai, son of Ram Ishwar Ray, resident of Village- Mahuari Bagicha, P.O.- Sarai, P.S.- Maner, Dist.- Patna.
9. Sri Lala Singh, son of Ram Lakshan Singh, resident of Village- Kathautia, P.S.- Maner, Dist.- Patna.
10. Sri Bijendra Prasad Singh, son of Late Ramdhyan Singh, resident of Village- Rewa, P.O.- Sarai now Balua, P.S.- Maner, Dist.- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ankita Kumari
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 19-09-2023 1. The present application has been filed for quashing the order dated 29.09.2022 passed in Misc. Case No. 10 of 2012 passed by learned Sub Judge-I, Danapur, Patna by which the application under Order 26 rule 4A and Rule 9 of the CPC has been rejected by the Court below.



2. It is an admitted position that miscellaneous case has been filed under Section 34 of the Arbitration and Conciliation Act 1996 in the Court of Sub Judge by the petitioner.

3. This court fails to understand as to how this case is continuing in the Court of Sub Judge when the same is not maintainable and precious judicial time is being wasted by the parties.

4. Misc. Case No. 10 of 2012 is held to be not maintainable in the court of Sub Judge and the same is therefore dismissed with liberty to the petitioner to take appropriate steps in accordance with law if permissible in law.

5. This application is disposed of with the aforesaid observation and direction.

(Sandeep Kumar, J)

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