

IN THE HIGH COURT OF JHARKHAND AT RANCHI
C.M.P. No. 178 of 2020

Dinanath Hazam Petitioner
Versus
Motho Hazam & Ors. Respondents

CORAM : HON'BLE DR. JUSTICE S.N. PATHAK

For the Petitioner : Ms. Apoorva Pathak, Advocate
Mr. Vibhor Mayank, Advocate

6 / 21.07.2023 This civil miscellaneous petition has been filed by the petitioner challenging the order dated 11.02.2020 passed by District Judge-II, Khunti, in Civil (Title) Appeal No. 02 of 2015, whereby the petition dated 14.11.2019 filed on behalf of petitioner and proforma respondents has been rejected under Order XLI Rule 27 of the Code of Civil Procedure.

It has been submitted by learned counsel for the petitioner that though the power of the Appellate Court below under Order XLI Rule 27 CPC is discretionary, but the petitioner will suffer irreparable loss, if the impugned order dated 11.02.2020 is not stayed. Learned counsel further submits that wrong interpretation has been given to the rules and the case of the petitioner is covered by Rule XLI Rule 27 (i)(b) CPC.

Let notices be issued to the respondents in the admission matter, for which requisites etc. must be filed within two weeks through registered cover with A/D, as also under ordinary process.

In the meantime, further proceeding of Civil (Title) Appeal No. 02 of 2015 pending in the Court of Sri Satyakam Priyadarshi, District Judge-II, Khunti, shall remain stayed.

(Dr. S. N. Pathak, J.)