

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.10352/2000

(From the judgement and order dated 18/11/1999 in CR 268/98(R)  
of The HIGH COURT OF PATNA AT RANCHI)

GIRDHARI LAL AGARWAL

Petitioner (s)

VERSUS

MANISH MURARI AGARWAL &amp; ORS.

Respondent (s)

( For Final Disposal )

Date : 23/08/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N. SANTOSH HEGDE  
HON'BLE MR. JUSTICE BISHESHWAR PRASAD SINGH

For Petitioner (s)

Mrs. Sumita Mukherjee, Adv.  
Mr. S.L. Agarwal, Adv.

For Respondent (s)

Mr. Gopal Prasad, Adv.  
Mr. S.K. Singh, Adv.

UPON hearing counsel the Court made the following

O R D E R

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Heard counsel. This SLP is filed against the order of the learned Single Judge of the High Court of Judicature at Patna, Ranchi Bench dated 18.11.1999 made in C.R. No.268 of 1999 whereby the High Court allowed revision petition and set aside ex parte preliminary decree made by the trial court under Order 9 Rule 13 of the C.P.C. and restoring the suit back to the file. It is now brought to our notice as against the very same order the petitioner herein has preferred an  
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appeal in FA No.31 of 2000(R) before the High Court of Judicature at Patna, Ranchi Bench and which is entertained by the High Court by condoning the delay as per its order dated 4th September, 2000.

In the said view of the matter, we are not inclined to interfere with this SLP at this stage. We leave the question raised in this SLP to be agitated in the appeal now pending

before the High Court.

For the reasons stated above, the special leave petition is disposed of.

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(Pawan Kumar)  
Court Master

(Prem Prakash)  
Court Master