

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1746 of 2019**

Bindeshwari Giri

... .. Petitioner/s

Versus

Matuki Giri @ Dharam Nath Giri & Anr.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Pankaj Kumar Dubey, Advocate
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 30-04-2024 Heard learned counsel for the petitioner.

2. The present petition has been filed by the petitioner for setting aside the order dated 15.05.2019 passed by the learned 1st Additional District Judge, Gopalganj in Title Appeal No. 35 of 2000 whereby and whereunder the petition filed by the petitioner under Order 1 Rule 10 (2) of the Code of Civil Procedure has been rejected.

3. Learned counsel for the petitioner submits that the petitioner has purchased the land after the title appeal was dismissed in default though it was subsequently restored. Learned appellate court rejected the application on the ground of *lis pendens* and it is also the fact that petitioner was not the party in the original suit or in the appeal but there was no *lis pendens*.

4. Under the aforesaid circumstances, issue notice to



the respondents by both modes i.e., under registered cover with A/D as well as ordinary process for which requisites etc. must be filed within two weeks, failing which the petition would be dismissed.

5. List this case on 08.07.2024.

6. Till next date of hearing, further proceeding of Title Appeal No. 35 of 2000 pending before the court of learned 1st Additional District Judge, Gopalganj shall remain stayed.

(Arun Kumar Jha, J)

balmukund/-

U			
---	--	--	--

