

Vijay Shankar Vs. Mahadev

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Court : Madhya Pradesh

Decided On : Feb-11-2013

Appellant : Vijay Shankar

Respondent : Mahadev

Advocate for Pet/Ap. : Shri. Pushpendra Dubey

Judgement :

1 W.P.No.17678/2011 11.2.2013 Shri Pushpendra Dubey, learned counsel for the petitioner.

Challenging an order dated 20.9.2011 passed by 2nd Civil Judge Class II, Multai, District Betul, this writ petition has been filed.

By the said order an application filed by the petitioner under Section 151 of CPC objecting to documents of partition deed has been rejected.

It is found by the Court below that the partition deed was filed along with the suit and when it was taken on record, no objection was raised and finding the objection to be raised after a long period, the same is rejected.

The order in question is passed in the year 2011.

At that point of time evidence in the matter was going on and not after more than one and a half years till date even notices have not been issued.

Order is an interlocutory order passed in a pending suit.

Under such circumstances, I see no reason to interfere after a period o

1. 2 years after passing of the order, particularly when petitioner can very well challenge the action after the final order is passed.

Accordingly granting liberty to the petitioner to challenge the order if required after the suit is finally decided by raising grounds made in this writ petition, the petition is dismissed.

(RAJENDRA MENON) JUDGE Mrs.mishra

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