

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.78 of 2014

Most. Lutani Devi & Ors

.... Petitioner/s

Versus

Kantir Jha & Ors

.... Respondent/s

Appearance :

For the Petitioner/s : Smt. Anju Jha

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

4 09-12-2015

Heard the learned counsel, Smt. Anju Jha, appearing on behalf of the petitioner and the learned counsel appearing on behalf of the respondent No.1.

By the impugned order dated 26.11.2013 passed by the learned Sub Judge IV, Madhubani in Partition Suit No.88 of 2001 the Court below has directed the defendant petitioner to lead evidence first because they have raised additional fact disentitling the relief claimed by the plaintiff for partition the suit property as according to the defendant, there had already been partition.

In view of the above facts that by the impugned order only the petitioners have been directed to adduce evidence in view of Order XVIII Rule 1 CPC, there is no question of prejudice nor any failure of justice arise. Thus this writ application is dismissed.

Sanjeev/-

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(Mungeshwar Sahoo, J)