

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.576 of 2014

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Satish Chandra Pandey

.... Appellant/s

Versus

Samir Prasar & Ors.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shakti Suman Kumar, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

3 06-10-2015

Heard.

In the present case, appellant is challenging the order dated 30th June 2014 passed in T.S.No. 78 of 2013 whereby and whereunder the court below has refused to grant injunction.

In the present case, the defendant son is said to have sold the land of his share. Father is not accepting the share of his son on the ground that unless there is partition by metes and bounds, no coparcener can sell specific portion of the land.

It is a fact that the son has also his share in the ancestral property and sold some land claiming to be his share. The nature of the land is agricultural. If it is found that the defendant son has sold the land in excess of his share, that will be adjusted by the trial court at the time of passing final judgment and decree.

With this observation, this petition is disposed of.

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(Shivaji Pandey, J)