

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6207 of 2011

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Ramashray Jha Suresh Jha Village- Shokhara, P.S. Phulwariya, District- Begusarai

.... Petitioner/s

Versus

1. Subodh Kumar Poddar Mahesh Pddar Village- Shokhara, P.S. Phulwariya, District- Begusarai
2. Arvind Poddar Late Ramsharan Poddar @ Bulak Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
3. Siya Devi W/O Late Ramdharan Poddar @ Bulak Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
4. Rajendra Poddar Son Of Late Ishwaripoddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
5. Ashok Poddar Son Of Rajendra Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
6. Padeep Kr. Son Of Ashok Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
7. Ratan Poddar Son Of Late Ishri Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
8. Mahesh Poddar Son Of Ratan Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
9. Mukesh Kumar Son Of Mahesh Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
10. Gyandeo Kumar Son Of Mahesh Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
11. Mithilesh Kumar Son Of Ratan Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
12. Balram Poddar Son Of Mithilesh Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
13. Prasuram Poddar Son Of Mithilesh Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
14. Radheshwar Poddar Son Of Late Rameshwar Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
15. Arjun Poddar Son Of Radheshwar Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
16. Lalbabu Poddar Son Of Radheshwar Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
17. Santosh Poddar Son Of Arjun Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
18. Amitesh Kumar Poddar Son Of Arjun Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
19. Bambam Kumar Poddar Son Of Arjun Podar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
20. Raj Kumar Son Of Lal Babu Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
21. Shiv Kumar Son Of Lal Babu Poddar Resident Of Village- Shokhara, P.S. Phulwariya, District- Begusarai
22. Jagdish Poddar Son Of Late Ramjee Poddar Village Shokhara, P.S. Phulwariya P.O. Phulwariya Distt. Begusarai

23. Jitendra Jha Son Of Ramashray Jha Village Shokhara, P.S. Phulwariya
P.O. Phulwariya Distt. Begusarai

.... Respondent/s

Appearance :

For the Petitioner/s : Mr. Kaushal Kumar Singh

**CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER**

5 24-08-2015

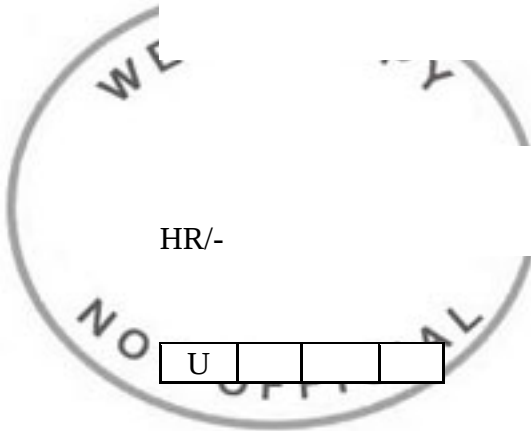
The writ application is filed aggrieved by the order dated 05.06.2007 passed by the Sub Judge-V Begusarai rejecting the petition of the petitioner challenging the nature/framing and maintainability of the suit as a partition suit. The petitioner also prayed that the plaintiff be directed to pay the ad valorem court fee for the relief(s) prayed for in the application. The trial court on considering the submission of the parties took the view that appropriate court fee for partition has been paid by the plaintiff.

Counsel for the petitioner has submitted that issues have been framed. He is, however, not aware as to what issue(s) have has been farmed.

In my view, no patent illegality has been committed by the court in passing the impugned order. It will be open to the petitioner to pray before the court for formulation of appropriate issue(s) if they are not already

framed for consideration and adjudication in the suit itself.

The application is disposed of.



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(Kishore Kumar Mandal, J)