

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.670 of 2010

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Nand Kishore Chaudhary @ Pappu, son of Late Rajnath Chaudhary,
resident of Mohalla Chakbasu, PS Mithanpura, District Muzaffarpur
Defendant Appellant - Appellant

Versus

1. Meera Devi wife of Sri Anil Chaudhary, Resident of Mohalla Jakkanpur PO & PS Jakkanpur, District Patna
2. Reeta Devi, wife of Late Baijnath Chaudhary, Resident of Village Ladaura, PS Kushani, District Muzaffarpur
3. Rani Devi, wife of Sri Krishna Chaudhary, Resident of Village Railway Godown Colony, Near Railway Godown, PS Town Motihari, District East Champaran

..... Defendants-Appellant-Respondents

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Appearance :

For the Appellant/s : Mr. Naresh Chandra Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

9 05-01-2015 Heard Mr. Naresh Chandra Verma, learned counsel appearing for the appellant.

The defendant is the appellant in this appeal, against the judgment and decree of affirmance in a suit for partition.

The suit has been filed by the admitted sister of the defendants for partition of the suit property. The defendants resisted the claim of the plaintiffs on the basis of provisions of Section 23 of the Hindu Succession Act, 1956 (as then existed). The suit, which was filed in the year 1998, however, was taken up for hearing and disposal after passing of the Hindu Succession Amendment Act, 2005, whereby Section 23 of the Hindu Succession Act has been deleted. The suit was decreed by the trial court taking into account the deletion of the aforesaid Section 23 in the Hindu Succession Act. The appeal thereafter by the defendant has been dismissed by the

impugned judgment and decree affirming the view taken by the trial court,

After considering the submission by the learned counsel for the appellant and perusal of the judgments of both courts below this Court is not persuaded to take the view that the impugned judgment requires interference. Ex consequenti, this appeal is dismissed.

(V. Nath, J)

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