

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13327 of 2010

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1. Smt.Sharda Devi W/O Late Ram Jatan Singh
2. Kaushal Kishore Singh S/O Late Ram Jatan Singh
Both resident of Village- Nayagaon, P.S.- Shyampur, Bhattha, Distt.-
Sheohar, Presently Residing At Mohalla- Kailashpuri, Ward No. 9, P.S.-
Dumra, District - Sitamarhi
3. Smt.Shiv Dulari Devi W/O Nand Kishore Singh And daughter of Late
Ram Jatan Singh , r/o Village- Dangar, P.O.- Madanpur, P.S.- Parsauni,
District - Sitamarhi

.... .. Plaintiffs Petitioners

Versus

1. Smt.Meena Devi Second wife of Late Sanjeevan Singh R/O Village-
Nayagaon, P.S.- Shyampur, Bhattha, District – Sheohar
..... Defendant 1st set respondent 1st set
2. Sri Ram Bharosh Sah S/O Late Lal Chand Sah R/O Village- Bhorha,
P.S.- Shyampur Bhattha, District – Sheohar defendant 2nd set
Respondent 2nd set
3. Sri Ratneshwari Singh
4. Sri Dinesh Singh
Both sons of Sri Ram Bihari Singh , both residents of Village- Bhorhan,
P.S.- Shyampur Bhattha, District – Sheohar
..... defendants 3rd set respondents 3rd set

.... .. Respondents

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Appearance :

For the Petitioners : Mr. Pushkar Narain Shahi
For the Respondent No. 2 to 4 : Mr. Shankar Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

5 02-07-2015 Heard Sri Pushkar Narayan Shahi, learned senior
counsel for the petitioners and Sri Shankar Kumar, learned
counsel, who has appeared on behalf of the respondent no. 2 to 4.

The present writ petition has been filed with a prayer to
set aside an order dated 29.1.2010 passed by learned Sub Judge -I,
Sitamarhi, in Title Suit No. 54 of 2009. By the said order prayer
was made by the plaintiffs/ petitioners for sending a copy of the

order of injunction to the office of Sub Registrar, Sheohar was rejected. The learned Sub Judge has rejected the petition on 12.1.2010 only on the ground that the Sub Registrar, Sheohar was not a party in Title Suit No. 54 of 2009.

Learned counsel for the petitioners has argued that under Section 151 of the C.P.C. the court was having inherent power and it was only to be communicated to the Sub Registrar, Sheohar, and as such, the learned court below has not exercised its jurisdiction in its right perspective.

Fact remains that the plaintiffs/ petitioners had filed the Suit for declaration of Title and alternatively for their 7/8th share in the suit property.

Normally, in a Partition Suit an injunction petition is not required to be entertained, but in this case injunction was allowed in favour of the petitioners, and thereafter, instead of approaching the Sub Registrar, Sheohar by way of producing certified copy of the order, the petitioners filed petition before the court below, which has been rejected by the learned court below.

Keeping in view the fact that Sub Registrar, Sheohar, was not at all party, I do not find any defect in the impugned order whereby, same prayer was rejected. If the petitioners feel that the order is required to be served in the office of Sub Registrar,

Sheohar, there is no hurdle. If so advised, petitioners may approach the Sub Registrar, Sheohar.

The writ petition stands dismissed.

(Rakesh Kumar, J)

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