

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20075 of 2010

1. Indrawati Devi, wife of Nibulal Ram, r/o- village Bakeniya, P.S.- Gahmar,
District- Gazipur(U.P.)

.... Petitioner/s

Versus

1. Nithali Chamar, s/o- Barhu Chamar
2. Jokhu Chamars/o- Kamalu Chamar
3. Jhagaru Chamar
4. Dhorha Chamar

Both sons of Nithali Chamar

5. Bahadur Chamar
6. Sahadur Chamar
7. Sri Bhagwan Chamar

All sons of Jhagaru Chamar

8. Suraj Chamar

9. Bablu Chamar

10. Jai Prakash Chamar

All sons of Dhoraha Chamar, all residents of village Moula Sahuka, P.s.-

Ramgarh, District- Kaimur (Bhabhua)

11. Ramdahin Chamar s/o- Sukhnandan Chamar

12. Dudhnath Chamar

13. Vikrama Chamar

14. Ramjash Chamar

15. Gopal Chamar

All sons of Late Bhaggu Chamar

16. Binod Chamar

17. Ashok Chamar

Both sons of Dudhnath Chamar

18. Pintu Chamar

19. Tinku Chamar

20. Pankaj Chamar

All three minor sons of Gopal Chamar under the guardianship of their
father and well wisher Binod Chamar

21. Gulsan Chamar

22. Manish Chamar

23. Bacha Chamar,

All three minor sons of Binod Chamar under the guardianship of their
father and well wisher Binod Chamar

24. Ramesh Chamar

25. Kamlesh Chamar

Both sons of Bikrama Chamar

26. Niwas Chamar

27. Manoj Chamar

Both sons of Ramjash Chamar

28 Rakesh Chamar, son of Ramdin Chamar

29. Ramraj Chamar

30. Dharmraj Chamar

Both sons of Ganesh Chamar

31. Bigan Chamar

32. Parshuram Chamar

33. Sangram Chamar

All three sons of Ramraj Chamar

34. Jai Chamar, minor son of Bigan Chamar under the guardianship of their father and well wisher Bigan Chamar

35. Harihar Chamar s/o- Dharamraj Chamar

36. Baikunth Chamar

37. Balchandra Chamar

38. Ramashish Chamar

All three sons of Late Yadunandan Chamar

39. Shyam Narain Chamar, son of Baikunth Chamar

40. Jitesh Chamar

41. Shiwesh Chamar,

Both minor sons of Shyam Narain Chamar under the guardianship of their father Shyam Narain Chamar.

42. Awadhesh Chamar

43. Pandit Chamar

Both sons of Balchandra Chamar under the guardianship of their father Balchandra Chamar

44. Durgesh Chamar, son of Ramashish Chamar, under the guardianship of his father Ramashish Chamar.

45. Chandrawati Devi, wife of Balister Chamar,

All residents of village Kalani, P.S.- Ramgarh, District- Kaimur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. RAVI SHANKAR SAHAY

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR MANDAL

ORAL JUDGMENT

Date: 10-08-2015

Heard Mr. Sahay in support of the writ petition which has been filed against the order dated 27.3.2009 passed by Sub-Judge-II, Bhabhua in Title Suit No. 261 of 1999 whereby the petition filed on her behalf under Order 1 Rule 10 of the Code of Civil Procedure (for short 'the Code'), has been considered and rejected.

The suit was filed in the year 1999 for effecting partition amongst the parties. Chandrawati Devi being the daughter of Most.

Jiriya Devi was also impleaded as defendant as the plaintiffs in the suit besides seeking partition of the property also sought for declaration that the deed of gift executed in favour of the defendant Chandrawati Devi by Most Jiriya Devi was null and void. The Trial Court found the application of the petitioner not supported by any material to demonstrate that she was full sister of Chandrawati Devi. It also took the view that after expiry of 10 years, when the trial reached an advance state, such application was filed which was with the sole purpose of delaying disposal of the suit.

On hearing the parties, this Court requested Mr. Sahay to produce copy of the plaint and/or deed of gift which was sought to be annulled by the present suit. Mr. Sahay expresses his inability to produce the same for perusal of the Court.

In the backdrop of aforesaid, this Court does not find any patent illegality in the reasons assigned by the Trial Court for rejecting the application.

The writ application is dismissed.

(Kishore Kumar Mandal, J)

Pankaj/-

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