

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.367 of 2014

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Amrendra Narayan Mishra

.... Petitioner/s

Versus

Anand Bhushan Mishra

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 07-12-2015

Heard the learned counsel for the petitioner.

By the impugned order dated 10.03.2011 passed by Sub Judge IV, Muzaffarpur in Partition Suit No.390 of 1993 deleted the name of the present petitioner who was defendant No.6, from the cause title of the plaint.

From perusal of the impugned order, it appears that the partition suit was filed by the plaintiff respondent against the defendant wherein the present petitioner was defendant No.6. Thereafter, the plaintiff filed application for deleting the name of this petitioner- defendant No.6 on the ground that subsequently, he learnt that this petitioner was adopted by one Hitlal Paswan orally earlier and subsequently, a registered deed of adoption was executed on 20.12.1993 and the plaintiff got photocopy of the same and thereafter he filed the application. The Court below considering these aspects of the matter and on the prayer of the

plaintiff has deleted the name of the petitioner. The learned counsel for the petitioner submitted that he has not been adopted and in fact the adoption deed is forged. He has got share in the suit property. In my opinion, this question raised by the petitioner cannot be gone into in this simple suit for partition. The petitioner has got separate cause of action for the same.

In view of the above facts and circumstances of the case, I find no reason to interfere with the impugned order. Accordingly, this writ application is dismissed. However, the petitioner may establish his right with respect to any of the suit property by filing appropriate proceeding before appropriate forum.

(Mungeshwar Sahoo, J)

Sanjeev/-

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