

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.630 of 2016

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Ghan Shyam Choudhary

.... Appellant/s

Versus

Jagdish Choudhary & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Amresh Kr. Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 20-09-2016 Heard the learned counsel for the petitioner and the learned
counsel for the respondent.

Perused the impugned order dated 25.02.2016 passed by
Sub Judge Ist, Manjhaul, Begusarai in Title Suit No.130 of 2014
whereby the Court below has directed the defendant petitioner to
adduce evidence first according to Provision as contained in Order
18 Rule 1.

It appears that the plaintiff respondent filed the suit for
partition. The defendant filed written statement alleging that suit
property stands in the name of the father of the defendant.
Therefore, the defendant pleaded additional fact and alleged that
the plaintiff is not entitled to any part of the relief. In such
circumstances, the defendant has to prove the additional fact
which is pleaded by him in the written statement. The Court
below considering these facts has directed the petitioner to begin

first.

In my opinion, therefore, the order passed by the Court below which is impugned in this Civil Misc. application is within his jurisdiction according to law.

Thus, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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