

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.768 of 2016**

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Mohammad Ali Khan

.... Appellant/s

Versus

Fatma Bibi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Parwej Khan

For the Respondent/s : Mr. Arabind Nath Pandey

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 29-09-2016

Heard the learned counsel for the petitioner and learned counsel for the respondent.

Perused the impugned order dated 15.06.2016 passed by learned Sub Judge-III, Bhabua, Kaimur in Title Suit No.182 of 2012 whereby the learned Court below rejected the application filed by the defendant petitioner under Section 4 (C) of Bihar Holdings and Prevention of Fragmentation Act, 1956 on the ground that the dispute between the parties is with regard to the daughtership of the plaintiff with late Alamgir Khan.

This dispute regarding daughtership of plaintiff with Alamgir can be decided only by the Civil Court and it is not within the jurisdiction of consolidation authorities. Unless this issue is decided, the partition suit cannot be disposed of. Therefore, I find no illegality in the impugned order.

Thus, this Civil Misc. application is dismissed.

Sanjeev/-

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(Mungeshwar Sahoo, J)