

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8515 of 2014

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1. Smt. Kamini Devi wife of Late Birendra Sheel
 2. Subal Chandra Sheel
 3. Ribal Chandra Sheel Both sons of Late Sunil Sheel All residents of village - Lal Saaiya, P.O. Lal Saraiya, Majhauria, District - West Champaran.

.... Petitioner/s

Versus

1. Smt. Deepali Devi daughter of Late Jitendra Das wife of Deepak Das Resident of village - Lal Saaiya, P.O. Lal Saraiya, Majhauria, District - West Champaran
2. Smt. Shefali Devi Daughter of Jitendra Das wife of Late Rajdhani Singh Resident of village - Godhari, P.S. Chakia, District - East Champaran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 03-03-2016

Heard the learned counsel for the petitioners.

This application has been filed against the impugned order by which the learned court below has rejected the petition filed on behalf of the appellant-petitioners for stay of the further proceeding of the final decree.

There is no dispute that the suit for partition has been decreed and the present petitioners who were defendants in the suit have filed appeal before the appellate court below against the preliminary decree. During the pendency of the said appeal, the

petition was filed on behalf of the petitioners for stay of the final decree proceeding which has been rejected by the learned court below by the impugned order.

After considering the submissions and the materials on record, this Court finds that the learned court below has rightly rejected the prayer for stay of the further proceeding of the final decree as the same was not the subject matter of appeal before the appellate court below. It is also evident that the learned court below has rightly come to the conclusion that the petitioners have an opportunity to file appeal against the final decree if prepared in accordance with law. As such, this Court does find sufficient reason to interdict the impugned order.

The writ application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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