

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10308 of 2014

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Smt. Nain Kumari Devi, daughter of Late Rameshwar Pathak, wife of Sri Ravindra Nath Tiwary, resident of Village- Babhani, P.S.- Buxar (M), District- Buxar, Presently residing at Village- Saundhila, P.S.- Buxar (M), District- Buxar

.... Petitioner/s

Versus

1. Narayan Upadhyay, son of Jitendra Upadhyay, resident of Village- Akauni, P.S.- Dumraon, District- Buxar
2. Anildhan Paswan, son of Shambhu Paswan, resident of Village- Saundhila, P.S.- Buxar (M), District- Buxar
3. Most. Baleshwari Devi, Wife of Late Rameshwar Pathak, resident of Village- Saundhila, P.S.- Buxar (M), District- Buxar
4. Smt. Pushpa Devi, daughter of Late Rameshwar Pathak, wife of Jitendra Upadhyay, resident of Village- Akauni, P.S.- Dumraon, District- Buxar, presently residing at Village- Saundhila, P.S.- Buxar(M), District- Buxar
5. Tej Narayan Pathak, son of Late Suryanath Pathak, resident of Village- Saundhila, P.S.- Buxar (M), District- Buxar
6. Most. Shail Kumari Devi, daughter of Late Vishwanath Pathak, resident of Village- Saundhila, P.S.- Buxar (M), District- Buxar
7. Sukhbaso Devi, daughter of late Suryanath Pathak, wife of Shyam Narayan Choubey, resident of village- Sisradh, P.S.- Rajpur, District- Buxar
8. Panbaso Devi, daughter of late Suryanath Pathak, wife of Rajendra Pandey.
9. Krishnakant Pandey, son of Shyam Bihari Pandey and late Sushil Devi (Mother) Both 8 and 9 are resident of village- Kukudha, P.S.- Itarhi, District- Buxar
10. Hridya Narayan Pandey, son of late Chandradeo Pandey and Late Jamautri Devi (Mother), resident of Village- Basaniya, P.S. Bhawarkol, District- Gajipur, presently resident of Village- Saundhila, P.S.- Buxar(M), District- Buxar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rana Ishwar Chandra, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

Date: 28-06-2016

Heard learned counsel for the petitioner.

The petitioner is aggrieved by the order by which the learned court below has allowed the prayer of respondent nos. 7 to 10 for impleadment as defendants in the partition suit.

Learned counsel for the petitioner has submitted that the learned court below has passed the order mechanically without granting opportunity to the petitioner to file documents or materials in support of her contention that the said respondent nos. 7 to 10 are totally stranger to the family. It has also been submitted that the learned court below without awaiting filing of the documents by the parties has passed the impugned order and as such the petitioner is prejudiced. Learned counsel on his instruction further submitted that the respondent nos. 7 to 10 have also filed their own independent suit being Title Suit No. 1122/359 of 2014.

After considering the submissions and the materials on record, this Court is not inclined to interfere with the impugned order. However, the liberty is granted to the petitioner to file appropriate petition in accordance with law for recall/review of the impugned order as stated in the present application.

The present application is, accordingly, disposed of with the aforesaid liberty. Learned counsel for the respondent nos. 7 to 10

has raised no objection to the grant of liberty to the petitioner for filing appropriate petition in accordance with law for recall/review of the impugned order.

Devendra/-

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(V. Nath, J)

