

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14727 of 2014

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1. Krishna Prasad son of Late Govind Sao Resident of Mohalla - Amber, Police Station - Biharsharif, District - Nalanda.

.... Petitioner/s

Versus

1. Jawahar Lal
2. Rajesh Kumar Both son of Late Chote Lal Resident of Mohalla - Amer, Police Station - Biharsharif, District - Nalanda.
3. Parvati Devi daughter of Late Chote Lal, wife of Anil Kumar Resident of Mohalla - Khadakpar, Police Station - Biharsharif, District - Nalanda.
4. Dinesh Prasad son of Late Ram Kishun Sao
5. Nitesh Kumar son of Dinesh Kumar
6. Pavan Kumar son of Dinesh Kumar All resident of Mohalla - Rajauli Bazar, Police Station - Rajauli, District - Nawada.
7. Saryu Prasad
8. Arjun Prasad
9. Prem Chand Prasad All sons of Late Govind Sao Resident of Mohalla - Amber, Police Station - Biharsharif, District - Nalanda.
10. Smt. Usha Devi @ Usha Kishore wife of Raj Kishore Prasad
11. Sri Sai Prabhakar
12. Sri Sai Harshvardhan Both son of Late Raj Kishore Prasad
13. Sai Rajshree
14. Sai Iti Both daughter of Late Raj Kishore Prasad All resident of Mohalla - Amber, Police Station - Biharsharif, District - Nalanda. Are presently residing at 89/39 (18 Flame), Opposite Shiv Mandir, Flat No. 101, Om Bhawan , Bangur Park, Police Station - Bhuli, West Bengal.
15. Smt. Kamala Devi daughter of Late Govind Sao, wife of Sri Misri Lal Resident of Mohalla - Baiganabad, Police Station - Biharsharif, District - Nalanda.
16. Smt. Shanti Devi daughter of Late Mauzi Lal, wife of Suresh Kumar Resident of village - Rajauli, P.S. Rajauli, District - Nawada, presently residing at Mohalla - Amber, Police Station - Biharsharif, District - Nalanda.
17. Shiv Nandan Prasad son of Late Prabhuchanda Sao



18. Rajeev Kumar
19. Sanjeev Kumar
20. Vivek Kumar All son of Late Harinandan Prasad
21. Rashmi Kumari
22. Shilpi Kumari Both daughter of Late Harinandan Prasad
23. Smt. Shanti Prasad wife of Late Harinandan Prasad All resident of Mohalla - Mohaddi Nagar, Amber, Police Station - Biharsharif, District - Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 20-10-2016

Nobody appears on behalf of the petitioner.

The defendant no.3 in the suit is the petitioner in this application filed under Article 227 of the Constitution of India and is aggrieved by the impugned order whereby the learned court below has directed the defendant-petitioner to lead evidence first.

On the perusal of the impugned order as well as the averments made in the application, it is transparent that the suit has been filed for partition by the respondents and the petitioner as defendant no. 3 appeared and filed his written statement in the suit coming out with a case of previous partition between the parties.

In the aforesaid facts and circumstances of the case, learned court below has allowed the prayer of the plaintiff for



directing defendant no.3 to lead evidence first. This Court finds no illegality or material irregularity in the impugned order to invoke its jurisdiction under Article 227 of the Constitution of India for interdicting the impugned order.

The application, is, accordingly, dismissed.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	13.12.16
Transmission Date	N.A.

