

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3882 of 2014

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Manoj Prasad Singh

.... Petitioner/s

Versus

Rabindra Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Om Prakash Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

5 18-02-2016

Heard the learned counsel, Mr. Diwakar Prasad Singh

for the petitioner. Heard the learned counsel for the respondents.

The only grievance of the petitioner is that materials were produced before the Court below in support of the fact that the petitioner is maternal grandson of Maharaj Singh who was third son of Pyare Singh and in compromise application, an order passed in 145 Cr.P.C. proceeding. A portion of the suit property was allotted in favour of the petitioner but intentionally the plaintiff-respondent without making the petitioner as party-defendant, filed the suit for partition being Title Suit No.142 of 2012 and in the suit, the petitioner's property has also been included and, therefore, he has got direct interest in portion of the suit property.

Perused the order passed by the Court below. From perusal of the impugned order, it appears that Court below rejected

the application only on the ground that nothing has been brought on record to relate this petitioner with Maharaj Singh and the Court below has not considered the documents produced before the Court below by the petitioner.

In view of the aforesaid fact and in view of the submission of the learned counsel, the impugned order is set aside. This writ application is thus allowed and the matter is remanded back to the Court below for passing a fresh order after considering the materials which have already been filed by the petitioner and after hearing the parties.

(Mungeshwar Sahoo, J)

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