

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20934 of 2012

=====

1. PRAKASH CHANDRA MISHRA SON OF SRI VAKIL MISSIR RESIDENT OF VILLAGE- MADAN SIRSIYA, P.O.- MEDAN SIRSIYA, P.S.- KALYANPUR, DISTRICT- EAST CHAMPARAN

2. AVINASH CHANDRA MISHRA SON OF SRI VAKIL MISSIR RESIDENT OF VILLAGE- MADAN SIRSIYA, P.O.- MEDAN SIRSIYA, P.S.- KALYANPUR, DISTRICT- EAST CHAMPARAN

.... PETITIONER/S

VERSUS

1. KAMNA MISSIR WIFE OF LATE KAMLA MISSIR MADHUKAR RESIDENT OF VILLAGE- MEDAN SIRSIYA, P.O.- MEDAN SIRSIYA, P.S.- KALYANPUR, DISTRICT- EAST CHAMPARAN, AT PRESENT RESIDENT OF MOHALLA- MITHANPURA, MUZAFFARPUR WARD NO. 36, SHIV SHANKAR PATH, MANAN GALI, P.O.- RAMNA, P.S.- MUZAFFARPUR, DISTRICT- MUZAFFARPUR

2. MADHWENDU SHEKHAR SON OF LATE KAMTA MISSIR RESIDENT OF VILLAGE- MEDAN SIRSIYA, P.O.- MEDAN SIRSIYA, P.S.- KALYANPUR, DISTRICT- EAST CHAMPARAN, AT PRESENT RESIDING AT JALLOR, S.T.R.- 74, 70/88 ESTAR GART GERMANY

3. DR. NILIMA PATHAK WIFE OF DR. ANIL KUMAR PATHAK RESIDING AT G- 19 PURVI JYOTI NAGAR, SAHDRA, DELHI- 93

4. SHALINI SRIVASTAWA ALIAS SONI WIFE OF PUNIT KUMAR RESIDING AT 4/573 VAISHALI, GAJIABAD, U.P. PIN- 201010

5. PROF. VAKIL MISSIR SON OF LATE BALDEO MISSIR RESIDENT OF VILLAGE- MEDAN SIRSIYA, P.O.- MEDAN SIRSIYA, P.S.- KALYANPUR, DISTRICT- EAST CHAMPARAN, AT PRESENT RESIDENT OF MOHALLA- MITHANPURA, MUZAFFARPUR, DATTA BABA LANE, P.O.- RAMNA, P.S.- MUZAFFARPUR, DISTRICT- MUZAFFARPUR

.... RESPONDENT/S

=====

Appearance :

For the Petitioner/s : Mr. Sunil Kumar No. III--Advocate

For the Respondent/s : Mr. Rajesh Kumar Singh-Advocate

Mr. Rana Pratap Singh—Advocate

Mr. Dharmendra Kumar Singh-Advocate

=====

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL ORDER

02 07-01-2016

Heard learned counsel for the petitioners as well as learned counsel for the respondents.

Gone through the order impugned.

The status of petitioners, being a coparcener, has not been controverted by the learned counsel for the respondents. It is

also out of controversy regarding nature of the suit to be Title (Partition) Suit and all the properties detailed therein happen to be the ancestral property. Being so, presence of petitioners, being a coparcener, is necessary.

Accordingly, the order impugned is set aside. Petition is allowed.

Learned counsel for the respondents submits that presence of petitioners as defendants, henceforth, should be streamed line in such manner, so that instant Partition Suit to be disposed of at an earliest in the background of the fact that one of the respondents happens to be aged about 85 years. Learned counsel for the petitioners fairly concedes as well as assures on that very score.

Amit/ Vikash

(Aditya Kumar Trivedi, J)

U			
---	--	--	--