

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12733 of 2015

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Sri Dwarika Pandit @ Dwarika Pd. & Anr

.... Petitioner/s

Versus

Munni Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pandey

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 20-06-2016 Heard the learned counsel, Mr. Bijay Kumar Pandey for
the petitioners.

It appears that the plaintiff-respondent No.1, who is the daughter of petitioner No.1 and sister of petitioner No.2, filed title suit. The father-petitioner No.1 filed written statement alleging that the plaintiff who is his daughter has no share because there has already been partition between the father and sons in the year 1998 prior to commencement of the Hindu Succession Act.

In this view of the matter, the Court below directed the petitioner to adduce evidence first in terms of Order 18 Rule 1 C.P.C.

From perusal of the case of the parties and after hearing the petitioners, it appears that if the petitioners will not prove the fact alleged by him that there had been partition in the year 1998 between the father and sons, then naturally the plaintiff-respondent

No.1 will have share in the property. Therefore, the Court below has rightly directed the petitioner to adduce evidence first. Moreover, the impugned order neither prejudiced the petitioner nor it occasioned failure of justice. Therefore, in my opinion, it is not a case for interference in supervisory jurisdiction.

Thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

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