

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.9589 of 2014

- =====
1. Sarveshwarnath Thakur
 2. Arbind Thakur
 3. Mantoo Thakur All 1 to 3 are sons of Late Balram Thakur
 4. Manju Kumari
 5. Indu Kumari
 6. Pappu Kumari All from 4 to 6 are daughter of late Balram Thakur
 7. Mostt. Sushila Devi widow of Late Ram Sakal Thakur
 8. Mukteshwar Thakur
 9. Udai Shankar Thakur
 10. Pintoo Thakur All from 8 to 10 are son of late Ram Sakal Thakur null
 11. Mostt. Ram Japi Devi widow of Ram Shresth Thakur
 12. Sakindra Thakur @ Sachindra Thakur son of Late Mathura Thakur
 13. Guddu Kumar @ Guddu Kumar
 14. Dimpal Kumar
 15. Maula Kumar All from 13 to 15 are son of late Sakindra Thakur
 16. Harendra Thakur son of Late Mathura Thakur
 17. Rohit Kumar @ Rohit Raj son of Harendra Thakur
 18. Gudia Devi @ Gudia
 19. Archana Kumari
 20. Alka Kumari All from 18 to 20 are daughter of Harendra Thakur All are resident of village - Madhubani, P.O. Patahi, P.S. Sadar Munsif East Muzaffarpur, District – Muzaffarpur. Petitioner/s

Versus

1. Mostt. Sunita Devi widow of Late Sachida Thakur
2. Sudha Kumari daughter of Late Sachida Thakur
3. Ganesh Thakur
4. Keshav Prasad Thakur
5. Paras Thakur
6. Tribhuwan Thakur All sons of Late Ram Baran Thakur All are resident of village - Madhubani, P.O. Patahi, P.S. Sadar Munsif East Muzaffarpur, District – Muzaffarpur Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Radha Krishna Singh, Adv.
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT
Date: 13-05-2016

Heard Mr. Singh, learned counsel for the petitioners.

The defendants in the suit for partition have filed the present application under Article 227 of the Constitution of India questioning the legal acceptability of the impugned order by which the learned court below has directed the defendants to lead evidence first.

After perusal of the materials on record including the impugned order and considering the submissions on behalf of the petitioners, it is apparent that the defendants in the suit for partition have come out with the case that there had been previous partition of the joint family property. In that view of the matter, the learned court below has committed no illegality or error of jurisdiction in directing the defendants to lead evidence first.

The present application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

U			
---	--	--	--