

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14681 of 2015

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Rudranand Pathak

.... Petitioner/s

Versus

Bharat Pathak & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jyoti Shankar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 18-05-2016 Heard the learned counsel, Mr. Jyoti Shankar for the
petitioner.

Perused the order dated 28.05.2015 passed by Sub Judge
I, Madhepura in Title Partition Suit No.22 of 2014.

It appears that in Partition Suit No.134 of 1970, the
properties were distributed and the petitioner, who has filed the
intervention application, was allotted his share on the basis of
compromise. The other properties were allotted to the present
parties of this Title Partition Suit No.22 of 2014. The parties filed
the partition suit for partition of their allotted share according to
compromise decree. The petitioner filed intervention application
on the ground that in compromise decree, the petitioner's father
was allotted the less valuable lands and the present parties of the
present partition suit was allotted the valuable properties. The
Court below found that the point which is being raised by the

petitioner is the subject matter of title suit filed by the petitioner being Title Suit No.331 of 2012. The same cannot be decided in this simple suit for partition filed by the plaintiff against the defendants for the properties which were allotted to them in the compromise decree.

Since the Court below has rightly rejected the application, as the presence of the petitioner in this suit is not necessary, because the property allotted to him in the compromise decree is not the subject matter of present partition suit, this writ application has got no merit and accordingly, it is dismissed.

(Mungeshwar Sahoo, J)

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