

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14869 of 2013

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1. Krishna Dutta Jha Son Of Late Rameshwar Jha Resident Of Village:- Jhajhiat,
P.S.:- Pupri, District:- Sitamarhi

.... Petitioner/s

Versus

1. Shushil Kumar Jha Son Of Shankar Dutta Jha Resident Of Village:- Jhajhiat,
P.S.:- Pupri, District:- Sitamarhi

2. Smt. Manorama Devi Wife Of Shushil Kumar Jha Resident Of Village:- Jhajhiat,
P.S.:- Pupri, District:- Sitamarhi

3. Hemant Kumar Jha Son Of Shushil Kumar Jha Minor Under The Guardianship
Of His Mother Manorama Devi Resident Of Village:- Jhajhiat, P.S.:- Pupri,
District:- Sitamarhi

4. Basant Kumar Jha Son Of Shushil Kumar Jha Minor Under The Guardianship Of
His Mother Manorama Devi Resident Of Village:- Jhajhiat, P.S.:- Pupri, District:-
Sitamarhi

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. RAJEEV RANJAN NO.II, Adv
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 13-12-2016

Heard learned counsel for the petitioner.

By the impugned order, the learned court below has
rejected the prayer on behalf of the petitioner to sell some of the suit
property.

It has been pointed out on behalf of the petitioner that the



petitioner proposes to sell the property of his share only as he is entitled to 1/2 share of the suit property.

After considering the submissions and perusal of the impugned order, it is manifest that the court below has recorded the finding that the petitioner has already sold the property even during the pendency of the suit. The court below has passed the order after considering the entire facts and this Court has not been persuaded to interdict the discretion exercised by the learned court below. This Court, therefore, is not inclined to interfere with the impugned order invoking its jurisdiction under Article 227 of the Constitution of India.

The application is, accordingly, dismissed.

This order, however, shall not prejudice the right of the petitioner to seek permission for alienation in future, if such occasions arises, and if such prayer is made the same shall be decided on its own merit.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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