

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9592 of 2013

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1. Baleshwar Mahto Son Of Late Saudagar Mahto Resident Of Village- Rangilo Tola Gohpur, Police Station- Kaira, District- Chapra, Saran
 2. Hira Mahto Son Of Late Saudagar Mahto Resident Of Village- Rangilo Tola Gohpur, Police Station- Kaira, District- Chapra, Saran
 3. Maheshwari Devi Daughter Of Late Saudagar Mahto Wife Of Kameshwar Singh Resident Of Village- Gohpur, Police Station- Garkha, District- Saran, At Present Resident Of Amnaur, Police Station- Amnaur, District- Saran
 4. Jaso Devi Daughter Of Late Saudagar Mahto Wife Of Kishun Singh Resident Of Village- Rangilo Tola, Gohpur, At Present Resident Of Namalpur, Police Station- Kaira, District- Saran
 5. Nirmala Devi @ Nirmal Devi Daughter Of Ramnath Singh Resident Of Rangilo Tola Gohpur, Thana- Garkha, District Saran At Present Resident Of Village- Piaga, Police Station- Bheldi, District- Saran, Chapra
 6. Parmila Devi Daughter Of Ramnath Singh Resident Of Village- Rangilo, Tola, Police Station- Garkha, At Present Resident Of Amari, Police Station- Marhowrah, District- Saran, Chapra
 7. Samila Devi Daughter Of Ram Nath Singh Resident Of Village- Rangilo Tola Police Station- Garkha, District- Chapra, Saran. At Present Resident Of Parsa Police Station And Post Office- Parsa, District- Chapra

.... Petitioner/s

Versus

1. Jaleshwar Devi Daughter Of Ambika Mahto, Wife Of Sudarshan Mahto Resident Of Village- Mohmadpur, Rangilo Tola, Post Office + Police Station- Garkha, District- Saran, Chapra
2. Dhrubpato Devi Daughter Of Ambika Mahto, Wife Of Devi Lal Mahto Resident Of Village- Mohmadpur, Rangilo Tola, Post Office + Police Station- Garkha, District- Saran, Chapra
3. Sushila Devi Daughter Of Raja Mahto, Wife Of Rajdeo Mahto Resident Of Village- Mohmadpur, Rangilo Tola, Pargana, Goa, Police Station- Garkha. At Present Resident Of Molanapur, Police Station- Bheldi, Post Office- Sonapur District- Chapra
4. Urmila Devi Daughter Of Late Raja Mahto, Wife Of Resident Of Village- Mohmadpur, Rangilo Tola, At Present Resident Of Katsa, Police Station- Bheldi, Police Station- Katsa, District- Saran
5. Maya Devi Daughter Of Late Raja Mahto Resident Of Village- Mohmadpur Rangilo Tola, Gohpur, Post Office + Police Station- Garkha, District- Saran, At Present Resident Of Paigambarpur, Police Station- Baniapur, District- Saran (Chapra)
6. Sangeeta Kumari Minor Daughter Of Late Raja Mahto Through Her Guardian And Mother Mostt. Chandeshwari Devi Resident Of Village- Mohammadpur, Police Station- Garkha, Rangilo Tola, District- Chapra, Saran
7. Ahilya Kumari Minor Daughter Of Late Raja Mahto Through Her Guardian And Mother Mostt. Chandeshwari Devi Resident Of Village- Mohammadpur, Police Station- Garkha, Rangilo Tola, District- Chapra, Saran
8. Shankar Mahto Minor Son Of Late Raja Mahto Through His Guardian And Mother Mostt. Chandeshwari Devi Resident Of Village- Mohammadpur, Police Station- Garkha, Rangilo Tola, District- Chapra, Saran

9. Mithilesh Mahto Minor Son Of Late Raja Mahto Through His Guardian And Mother Mostt. Chandeshwari Devi Resident Of Village- Mohammadpur, Police Station- Garkha, Rangilo Tola, District- Chapra, Saran
10. Mostt. Chandeshwari Devi Wife Of Raja Mahto Resident Of Village- Mohammadpur, Police Station- Garkha, Rangilo Tola, District- Chapra, Saran

.... Respondent/s

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Appearance :

For the Petitioner/s : Mrs. Sangeeta Sharma -Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

2 27-06-2016

Heard learned counsel for the petitioners.

With regard to part of the property, a Partition Suit no. 110/1978 was allowed to abate in terms of Section 4(C) of the Consolidation Act. Subsequently thereof, Notification in terms of Section 26A has not been furnished at the end of petitioner/plaintiff but, on the ground that instant petition suit happens to be of the year 1978, therefore, by efflux of time it might be denotified whereupon suit relating to remaining plots should revive.

That is not the spirit of law. Till the Notification, the proceeding would not revive. Petition is rejected.

(Aditya Kumar Trivedi, J)

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