

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.204 of 2016**

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Achhaibar Tiwary

.... Appellant/s

Versus

Urmila Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Arun Kumar Lal

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

2 10-08-2016

Heard the learned counsel for the petitioner.

Perused the order dated 29.02.2016 passed by Sub Judge VIII, Kaimur at Bhabhua in Title Suit No.14 of 1991/96 of 1993/177 of 1998 whereby the Court below refused to allow the petitioner to sell some property.

It appears that partition suit was filed by the plaintiffs-respondents. The petitioner is contesting the partition suit. An application was filed by the petitioner before the Court below for permission to sell some portion of the property for meeting the expenses of marriage of the petitioner. The Court below by the impugned order has rejected the same.

At the time of hearing of this application, the learned counsel for the petitioner submitted that 100 acres of land is involved in the partition suit wherein the petitioner has got half share but is in possession of 75 acres of land. When the Court

asked as to why he is trying to sell the property on the ground that he has to marry his daughter although, he is in possession of 75 acres of land, the learned counsel for the petitioner submitted that a huge amount of dowry is generally paid and he has paid in dowry at the time of marriage of his daughter.

In my opinion, on this ground, the petitioner cannot be permitted to sell the property and, therefore, this civil miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

Saurabh/-

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