

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.17121 of 2012

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1. Jagdish Prasad Son Of Late Vishnu Prasad Resident Of Village Nirpur, P.O. Nirpur, P.S. Nalanda, District Nalanda.
 2. Satya Naryaan Prasad @ Bal Krishna Prasad Son Of Sri Jagdish Prasad Resident Of Village Nirpur, P.O. Nirpur, P.S. Nalanda, District Nalanda.
 3. Bharat Prasad S/O Sri Jagdish Prasad Resident Of Villave- Nirpur, P.O- Nirpur, P.S- Nalanda, District- Nalanda.

.... Petitioner/s

Versus

1. Ram Krishna Pd. S/O Vishnu Prasad Resident Of Village- Nirpur, P.O- Nirpur, P.S- Nalanda, District- Nalanda.
2. Munna Kumar Minor S/O Sri Ram Krishna Prasad Under The Guardianship Of His Father And Well Wisher Sri Vishnu Prasad Resident Of Village- Nirpur, P.O- Nirpur, P.S- Nalanda, District- Nalanda.
3. Smt. Sita @ Shyam Sunder Devi W/O Late Vishnu Prasad Resident Of Village- Nirpur, P.O- Nirpur, P.S- Nalanda, District- Nalanda.
4. Smt. Laxmi Devi D/O Late Vishnu Prasad And W/O Sri Rajkishore Prasad Resident Of Village- Kattupur, P.O- Bara, P.S- Silao, District- Nalanda
5. Bittu S/O Satya Narayan Prasad, Under The Guardianship Of His Father And Well Wisher Sri Satya Narayan Prasad Resident Of Village- Nirpur, P.O- Nirpur, P.S- Nalanda, District- Nalanda.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sudhir Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

4 29-02-2016 Learned counsel for the petitioner is permitted to make necessary corrections in para-2 of Interlocutory Application No. 1850/2016.

Interlocutory Application No. 1066/2013 has been filed on behalf of petitioner divulging the death of petitioner no.1, Jagdish Prasad on 22.12.2012 leaving behind two sons, namely, Bal Krishna Prasad and Bharat Prasad as well as wife, Shanti Devi.

Satya Naryaan Prasad @ Bal Krishna Prasad is

petitioner no.2 while Bharat Prasad is petitioner no.3 and on account thereof, wife, Shanti Devi is to be substituted. Petition is within time and on account thereof, prayer is allowed.

Interlocutory Application No. 1066/2013 is, accordingly, allowed.

Interlocutory Application No.1850/2016 has been filed at the behest of petitioner disclosing therein that Respondent No.3, Smt. Sita @ Shyam Sunder Devi has died on 20.09.2014 leaving behind her legal heirs who already on record as petitioner no.1 as well as respondent no.1 and 4.

Accordingly, name of Respondent No.3 be deleted whereupon Interlocutory Application No. 1850/2016 is allowed.

Gone through the order impugned whereunder prayer of the petitioners so raised by way of counter claim asking for return of ornaments which happens to be *stridhan* of the wife of respective defendants and was entrusted to defendant no.2, could not be taken up under present adjudication and for that, if the petitioners so desire, may bring a separate suit and with the aforesaid liberty, the instant petition is disposed of.

(Aditya Kumar Trivedi, J)

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