

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.116 of 2016

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Sonu Kumar & Ors

.... Appellant/s

Versus

Sanjay Sah

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar Alok

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 04-08-2016 Heard the learned counsel, Mr. Nazmul Hoda, for the petitioner.

Perused the impugned order / Judgment dated 21.03.2016 passed by Addl. District Judge XIII, Muzaffarpur in Misc. Case No.36 of 2012.

It appears that the petitioner No.5 being mother of the petitioner No.1 to 4 filed application before the lower Court seeking permission to sell the property of the undivided share of the petitioner No.1 to 4 in the ancestral property on the ground that the father of the petitioner No.1 to 4 is addicted of wine and women. Evidences were adduced and thereafter the learned Court below by the impugned Judgment held that mother cannot be the natural guardian in presence of the father, as such on the basis of the application, the petitioner cannot be permitted to sell the ancestral property.

In view of the factual position and in view of the fact that the father of the petitioner No.1 to 4 and husband of petitioner No.5 is still there, in my opinion, the Court below has rightly rejected the application. As such it calls for no interference in exercise of supervisory jurisdiction.

Thus, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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