

IN THE HIGH COURT OF JUDICATURE AT PATNA

Second Appeal No.216 of 2014

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Ashok Kumar Prasad @ Ashok Kumar Gupta son of Late Banarsi Prasad Haribol,
resident of Mohalla- Hajipur, Police Station and District- Khagaria
..... Defendant No. 5 Appellant No. 13

.... Appellant

Versus

1. Indu Devi, wife of Rajniti Prasad Gupta
2. Manwendra Kumar
3. Salesh Kumar @ Pappu
4. Vivek Kumar Bharti All sons of Late Rajniti Prasad Gupta
5. Shashi Kiran Gupta
6. Punam Kumari Gupta Both daughters of Late Rajniti Prasad Gupta resident of Mohalla- Hajipur, Police Station and District- Khagaria Substituted plaintiffs Respondent Nos. 1 to 6 Respondent 1st set
7. Rohit Prasad
8. Bhola Prasad
9. Dwarika Prasad
10. Jugnoo Prasad All sons of Late Hanishchandra Prasad Gupta null
11. Renu Kumari
12. Gita Kumari
13. Sharda Kumari
14. Usha Kumari
15. Sadhana Kumari
16. Muni Kumari All daughters of Late Hanishchandra Prasad Gupta
17. Vina Gupta, wife of Late Chandra Shekhar Prasad Gupta null
18. Sukhraj Gupta
19. Gopi Gupta Minor sons of Late Chandra Shekhar Prasad under guardianship of their mother and next friend Viva Gupta
20. Kabita Kumari, daughter of Late Chandra Shekhar Prasad 7 to 20 are resident of Mohalla- Hajipur, Police Station- Khagaria, District- Khagaria
21. Prithabi Chand Gupta, son of Late Ganesh Gupta
22. Satya Narayan Prasad
23. Madan Prasad
24. Tej Bahadur Prasad All sons of Late Anant Prasad
25. Radha Devi
26. Sabitri Devi
27. Kamla Devi
28. Nirmala Devi All daughters of Late Anant Prasad
29. Smt. Ashalata
30. Bina Kumari
31. Kushum Lata All daughters of Late Dr. Debnarain Prasad
32. Satish Kumar
33. Rabish Kumar
34. Jwala Kumar All sons of Late Bimla Devi, daughter of Late Anant Prasad 21 to 34 all residents of Mohalla- Hajipur, Police Station- Khagaria, District- Khagaria
35. Pramila Kumari
36. Majula Kumari Both daughters of Late Kushum Lata
37. Smt. Malti Devi, wife of Late Ramchandra Gupta



38. Purnima Kumari
39. Nilu Kumari Both daughters of Late Ramchandra Gupta
40. Shyam Sundar
41. Amit Kumar
42. Sanjai Kumar All sons of Late Ramchandra Gupta
43. Mamta Kumari
44. Minu Kumari Both daughters of Late Ramchandra Gupta
45. Chunui KUmari
46. Munui Kumari
47. Krishnawatia Kumari
48. Krishna Kumari, All daughters of Smt. Bimla Devi, daughter of Late Anant Prasad. 35 to 47 all residents of Mohalla- Hajipur, Police Station- Khagaria, District- Khagaria Substituted Defendants Respondents

.... Respondents

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Appearance :

For the Appellant/s : Mr. Kundan Bahadur Singh
Mr. Kamlesh Kumar Sharma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 13-12-2016

Heard Mr. Kundan Bahadur Singh, learned Counsel appearing for the appellant.

2. The defendant No. 5 is the appellant in this appeal against the judgment and decree of affirmance granting decree of partition to the plaintiff.

3. The facts in detail need no notice for the purpose of this appeal and suffice it to state that the plaintiff filed the suit for partition asserting that the suit property was joint family property and the plaintiff got half share in the same. The defendants resisted the prayer of the plaintiffs for the grant of decree of partition.

4. Both the courts below have come to the concurrent findings of fact that the suit property was joint family property in which the plaintiff has got half share as there is unity of title and jointness of possession



between the parties. The findings of both the courts below have proceeded on the basis of admission made by the defendants in deposition as well as in the written statement and other evidence.

5. Learned Counsel appearing on behalf of the appellant, however, has submitted that both the courts below have not correctly appreciated the evidence led on behalf of the parties. However, during course of submission no perversity or unreasonableness in the findings by both the courts below could be shown or established. The findings by both the courts below have been recorded on the basis of evidence which were acceptable and could have been relied upon.

6. This Court, therefore, finds that there is no substantial question of law arising for consideration in this appeal, which is accordingly dismissed.

(V. Nath, J.)

Snkumar/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	16.12.2016
Transmission Date	N/A

