

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.846 of 2016**

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Ram Sagar Singh

.... Appellant/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Shashi Bhushan Singh

For the Respondent/s : Mr. Smt. Kumari Amrita- Gp10

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

2 20-10-2016

It appears that the respondent Nos. 1 and 2 have wrongly been made party in this civil miscellaneous application. Accordingly, the name of respondent Nos. 1 and 2 are hereby deleted.

Heard learned counsel for the petitioner.

2. Perused the order dated 22.06.2016 passed by the 1st Additional District Judge, Muzzafarpur in Partition Appeal No. 54 of 2011, whereby the application filed by the petitioner for stay of preparation of final decree in partition suit has been rejected.

3. Learned counsel for the petitioner submitted that if during the pendency of partition appeal, further proceeding in the court below for preparation of final decree is not stayed, the petitioner shall suffer from serious loss and irreparable injuries as the petitioner has been allotted the bad land and valuable lands have been allotted in favour of the plaintiffs by the Pleader

Commissioner in the report submitted by him.

4. From perusal of the impugned order, it appears that the Pleader Commissioner has already submitted his report. Now the objection, if any, has to be decided by the court below and then final decree will be passed. The final decree that may be passed is also appealable. If the final decree will go against the petitioner he will be at liberty to file appeal but on the ground of bad lands have been allotted in favour of the petitioner by the Pleader Commissioner, the preparation of the final decree cannot be stayed. Therefore, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction. Thus, this civil miscellaneous application is dismissed.

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(Mungeshwar Sahoo, J)