

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1135 of 2016

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1. Arun Tanti, Son of Vedi Tanti, Resident of Village- Ghorpithia, P.S.- Shahkund, District- Bhagalpur.

.... Defendant no. 14 (Defendant 5th party)..... Petitioner
Versus

1. Sanichar Tanti, Son of Late Kasho Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

..... Defendant 1st party- Respondents

2. Sarjug Tanti, Son of Late Biru Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

3. Basudeo Tanti, Son of Late Biru Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

4. Most Lakshmi Devi, Wife of Garbhu Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

5. Jhamlal Tanti, Son of Late Kangali Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

6. Lakhan Lal Tanti, Son of Late Kangali Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

7. Srimati Mira Devi, Wife of Shibu Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

..... Defendant 3rd party-

Respondents

8. Ramdeo Tanti, Son of Late Ishwar Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

..... Defendant 4th party- Respondents

9. Ved Tanti, Son of Late Baiju Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

10. Chhote Tanti, Son of Late Baiju Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

11. Labbu Tanti, Son of Late Chhodi Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

12. Jogi Tanti, Son of Late Chhodi Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

13. Devi Tanti, Son of Late Chhodi Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

14. Daya Nand Tanti, Son of Vedi Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

15. Janardan Tanti, Son of Vedi Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

..... Defendant 5th Party-

Respondents

16. Most Kaushalya Devi @ Ashma Devi, Wife of Late Bhubneshwar Tanti @ Basawan Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

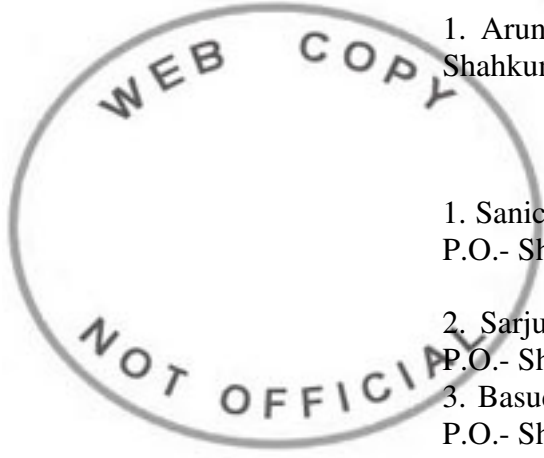
17. Mahesh Tanti, Son of Late Bhubneshwar Tanti.

18. Sabarak Tanti, Son of Late Bhubneshwar Tanti.

19. Shambhu Tanti, Son of Late Bhubneshwar Tanti.

20. Bittu Tanti, Son of Late Bhubneshwar Tanti.

21. Shiv Pujan Tanti, minor Son of Late Bhubneshwar Tanti through his



natural mother Kaushalya Devi @ Ashma Devi, the guardian and next friend.

All serial no 17 to 21 are resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

..... Defendants 6th party- Respondents

22. Most Putul Devi, Wife of Late Salikhan Tanti.

23. Rupesh Tanti, Son of Late Salikhan Tanti.

24. Mukesh Tanti, Minor through his natural guardian the mother Most Putul Devi, guardian and next friend,

Sl 22 to 24 are resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

25. Moti Tanti, Son of Late Khonahi Tanti.

26. Jitendra Tanti, Minor Son of Moti Tanti, through their natural guardian and the next friend father Moti Tanti.

27. Shyam Sundar Tanti, Minor Son of Moti Tanti, through their natural guardian and the next friend father Moti Tanti. All Sl. no 25 to 27 are resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

28. Most Sonia Devi, Wife of Late Bechan Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

29. Loll Tanti, Son of Late Bechan Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

30. Mantu Tanti, Son of Late Bechan Tanti, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

..... Defendant 7th party- Respondents

31. Smt Sunaina Devi, Wife of Sri Nawal Kishore Kunwar, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

32. Nawal Kishore Kumar, Son of Late Puran Kunwar, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

33. Naveen Chandra Kunwar, Son of Sri Nawal Kishore Kunwar, resident of Village- Ghorpithia, P.O.- Shahjadpur, P.S.- Shahkund, District- Bhagalpur.

.... Plaintiffs- Respondents

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Appearance :

For the Appellant/s : Mr. Dharendra Nath Jha, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL ORDER

2 23-11-2016

Heard learned counsel for the petitioner.

Perused the impugned order dated

18.05.2016, passed by the learned Munsif-II, Bhagalpur in Title

Suit No. 87 of 2001, whereby the learned court below has

rejected the application filed by the present petitioner, who is defendant no. 14 in the Partition Suit, praying for rejection of the plaint under Order 7 Rule 11 (D) C.P.C.

It appears that earlier also same prayer was rejected by the court below, then the petitioner file application before the High Court which was also dismissed. Thereafter again same application has been filed in the court below.

Thus, in my opinion, no case for interference in exercise of supervisory jurisdiction is made out.

Thus, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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