

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.63 of 2016

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Tribhuwan Singh, Son of Late Ram Kailash Singh, R/o Village-Koari Bujurg, P.S.-
Ganga Bridge, P.O.-Hajipur, District-Vaishali.

.... Petitioner

Versus

1. Ramdeo Singh, Son of Late Chandrika Singh, R/o Village-Koari Bujurg, P.S.-
Ganga Bridge, P.O.-Hajipur, District-Vaishali.
2. Harihar Singh.
3. Ram Naresh Singh, both Son of Late Suryadeo Singh.
4. Parwati Devi Wife of Late Surdeo Singh.
5. Mostt. Raj Kumari Devi Wife of Chandrika Singh.
6. Madhurani Devi, Wife of Late Ram Dayal Singh.
7. Bibha Kumari D/o Late Ram Dayal Singh.
8. Gajendra Prasad Singh Son of Late Chandrika Singh.
9. Ram Janam Singh Son of Late Chandrika Singh.
10. Madhuri Devi D/o Late Chandrika Singh
11. Baleshwar Mahto.
12. Baidyanath Mahto.
13. Parsuram Mahto.
All sons of late Harihar Mahto.
14. Jaideo Mahto Son of Late Jittu Mahto.
15. Ram Bilash Rai.
16. Milan Rai.
17. Ram Chandra Rai.
18. Ram Prasad Rai.
19. Ram Swarup Rai, All son of Late Shivnandan Rai.
20. Ram Nath Rai.
21. Butan Rai, Both Son of Late Ram Das Rai.
22. Raghubir Rai.
23. Ragho Rai, Both Son of late Harihar Rai.
24. Shanti Devi D/o late Harihar Rai All R/o Village-Koari Bujurg, P.S.-Ganga
Bridge, P.O.-Hajipur, District-Vaishali.
25. Raj Ballabh Singh Son of Late Ram Kailash Singh
26. Parwati Devi Wife of Late Ram Kailash Singh, Both R/o Village-Koari Bujurg,
P.S.-Ganga Bridge, P.O.-Hajipur, District-Vaishali.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 22-03-2017

By the impugned order in this revision application,



the learned court below has allowed the petition filed by the opposite party under Order 9 Rule 13 C.P.C. for setting aside the ex parte preliminary decree as well as final decree passed in the suit for partition.

From the perusal of the impugned order, it transpires that the learned court below after considering the evidence as led by the parties in the Miscellaneous Case No. 08/2013 initiated on the basis of the petition under Order 9 Rule 13 C.P.C. has come to the finding that the summons were not served on the defendants in Partition Suit No.253/89/121/91. This Finding of fact has been recorded on the basis of the appreciation of evidence on record and this Court does not find that the learned court below has committed any error of jurisdiction or material irregularity in passing the impugned order.

The revision application is , accordingly, dismissed.

(V. Nath, J)

Nitesh/-

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