

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.526 of 2016**

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1. Arvind Kumar @ Munna Kumar @ Arabind Kumar S/o Late Madheswar Singh, Resident of village + P.O. + P.S. Karpi, District - Arwal

.... Petitioner/s

Versus

1. Chintu Kumar S/o Late Sri Mohan Singh, resident of village - Karpi, P.O. Karpi, District - Arwal

.....respondent 1st party

2. Bipin Kumar Son of Late Sri Mohan Singh

3. Jai Mani Devi W/o Late Sri Mohan Singh All resident of village - P.O.- P.S. Karpi, District - Arwal

.... Respondent 2nd party

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Appearance :

For the Appellant/s : Mr. Arbind Kumar Singh

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

3 24-11-2017 Heard both sides.

The petitioner has filed this civil miscellaneous application against the order dated 10.06.2016 passed in Partition Suit No.333 of 2012 by which the learned Sub Judge 1st, Arwal allowed the petition dated 26.05.2016 of the plaintiff.

The learned counsel for the petitioner submits that the learned Sub Judge has not given any reason for allowing the petition dated 26.05.2016 and the order is cryptic and without any reason on such, the learned counsel appearing on behalf of the respondents 1st set-plaintiff although submitted that the documents filed by the plaintiff is essential for just decision of the case and



the Court can allow the petition of the plaintiff at any stage before the delivery of the judgment under its inherent jurisdiction but at the same time, could not be able to support the order as the same sans any reasoning. It is evident from perusal of the order dated 10.06.2016 passed in Partition Suit No.333 of 2012 itself that the learned Sub Judge has allowed the petition of the plaintiff without giving any reason and on this ground alone, I find that the order is bad and illegal.

Accordingly, the order dated 10.06.2016 is set aside. The civil miscellaneous application is allowed. The learned Sub Judge is directed to pass a reasoned order afresh after hearing both sides on the petition of the plaintiff.

(Prabhat Kumar Jha, J)

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