

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.7 of 2017

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Smt. Amitri Devi & Ors

.... Appellant/s

Versus

Shila Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Manoj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

2 17-01-2017

Heard the learned counsel for the petitioners.

Perused the impugned order dated 15.07.2016 passed by Sub Judge-Vth , Patna City in Title Suit No. 213 of 2003, whereby the court below rejected the application filed by the plaintiff-petitioner under Order 18 Rule 1 C.P.C.

From perusal of the impugned order, it appears that the plaintiff-petitioner filed partition suit. The defendant filed contesting written statement denying the title of the plaintiff saying that he is not a member of the family and, therefore, he is not entitled to a share in the property. By the impugned order, the court below has directed that in such circumstances, the plaintiff has to begin and the defendant cannot be directed to begin first in view of the provision as contained in Order 18 Rule 1 C.P.C

In the facts and circumstances of the case when the defendants are denying the title of the plaintiff-petitioner there is



no question of direction to the defendant to begin first arises.

Thus, I find no jurisdictional error in the impugned order.

As such, this Civil Miscellaneous application is dismissed.

(Mungeshwar Sahoo, J)

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