

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.423 of 2016

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Shailesh Kumar Mishra Son of Late Nareshwar Mishra Resident of village -
Jalalpur Dhoi, P.S. Sadai, District – Darbhanga Petitioner.

Versus

1. Rajesh Mishra @ Rajan
 2. Nitish Mishra @ Binod Both Sons of Late Kameshwar Mishra
 3. Putti Mishra @ Sushama Daughter of Late Kameshwar Mishra
 4. Madhuri Devi Wife of Late Kameshwar Mishra All Resident of village -
Jagalpur Dhoi, P.S. Sadar, District Darbhanga
 5. Renu Mishra Daughter of Late Kameshwar Mishra and Wife of Vijay Mishra -
Sonvarsha Raj, Via - Simari Bhakhatiyarpur, District - Saharsa
 6. Mulo Devi Wife of Late Paramanand Mishra Resident of village and Post Jale,
District - Darbhanga
 7. Sanjay Mishra Son of Late Nareshwar Mishra Resident of village - Jagalpur
Dhoi, P.S. Sadar, District Darbhanga
 8. Shubhesh Mishra
 9. Kumar Abhishek
 10. Rishav Raj All sons of Late Nareshwar Mishra
 11. Priti Mishra
 12. Gunja Mishra Both Daughter of Late Nareshwar Mishra All Resident of
village - Jagalpur Dhoi, P.S. Sadar, District Darbhanga ... Respondents
- =====

Appearance :

For the Appellant/s : Mr. Baidya Nath Thakur, Adv.
For the Respondent/s : Mr. Bhuneshwar Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 04-05-2017

Heard the learned counsel for the petitioners and
the learned counsel for the respondents.

Learned counsel for the parties have agreed that
the petitioner's prayer for removing the properties from the list of the
properties subject matter of partition in the plaint as proposed in
amendments No.10 to 15 can be allowed subject to the condition that
the defendants, who have filed their counter claim, be allowed to
incorporate those properties in their counter claim to which the



petitioner would not object. The learned counsel for the petitioner has categorically taken the stand that if the plaintiff-petitioner would be allowed to delete the suit properties as sought to be done in the proposed amendments No.10 to 15, then the incorporation of those properties in the counter claim filed by the defendants would not be objected by the plaintiff-petitioner in any manner. The learned counsel for the respondents has taken the stand that the petitioner may be allowed to delete the properties through proposed amendments 10 to 15 but those properties be allowed to be incorporated by the defendants in their counter claim which they have filed.

In view of the aforesaid stand on behalf of the parties, this application is disposed of with direction that the prayer of the petitioner for removing the properties from the list of the properties as made in the amendments 10 to 15, which has been turned down by the court below, stand allowed and simultaneously the defendants are also permitted to incorporate those properties, if so advised in their counter claim which has been filed by the defendants to which the plaintiff-petitioner would not object in any manner.

Accordingly, the application is disposed of.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	19.06.2017
Transmission Date	

