

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.142 of 2015

Arising out of

L.P.A. No. 1263 of 2001

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1. Vimala Kumari, Wife of Sri Mahendra Prasad Singh, Resident of village- Banauli, P.S.- Sursand, District- Sitamarhi
 2. Meena Devi, wife of Sri Surendra Prasad Singh, Resident of village- Banauli, P.S.- Sursand, District- Sitamarhi
 3. Nirmala Devi, Wife of Sri Brij Kishore Singh, Resident of village- Narkatiya Narha, P.S.- Riga, District- Sitamarhi
 4. Sunita Devi, wife of Sri Bal Kishore Singh, Resident of village- Narkatiya Narha, P.S.- Riga, District- Sitamarhi
 5. Tapeswar Mandal, son of Sri Ramdeo Mandal, Resident of village- Banauli, P.S.- Harari, District- Sitamarhi
 6. Sunita Devi, wife of Sri Kaushal Kumar Singh, Resident of village- Pipra Bishanpur, P.S.- Parihar, District- Sitamarhi
 7. Ram Naresh Kumar Singh, son of Late Jagdish Singh, Resident of village- Pipra Bishanpur, P.S.- Parihar, District- Sitamarhi
 8. Hemanti Devi, wife of Sri Ram Chandra Prasad, Resident of village- Banauli, P.S.- Sursand, District- Sitamarhi

.... Petitioner/s

Versus

1. Chandeshwar Sah @ Chandeshwar Prasad (Since dead) substituted by (1) Sheo Shankar Prasad, Son of Late Chandeshwar Prasad, Resident of village- Sursand, P.S.- Sursand, District- Sitamarhi
2. Kaushaliya Devi, widow of late Sheo Shankar Prasad, Resident of village- Sursand, P.S.- Sursand, District- Sitamarhi
3. Shyama Devi Wife of Sri Narendra Prasad, resident of behind Central School, P.S.- Samastipur Town, District- Samastipur
4. Krishna Kumar, wife of Sri Gopal Prasad, resident of Mohalla- Tumaria Tola, P.S.- Raxual, District- Motihari (East Champaran)
5. Binita Devi, wife of Bishwanath Prasad, R/o Mohalla- Kulamgaon, P.S.- Raurkela, District- Sundergarh, Orissa (3 to 5 being daughters of Late Sheo Shankar Prasad.
6. Yogindar Sah, son of Late Brijlal Sah, Resident of village- Sursand, P.S.- Sursand, District- Sitamarhi
7. Uday Chandra Sah, son of Yogindar Sah, Resident of village- Sursand at present residing at village- Diwari Matauna, P.S.- Sursand, District- Sitamarhi
8. Radha Devi, Wife of Late Baijnath Prasad, resident of Mauradih Lahertava Road, P.S.- Marwadih, District- Varanasi (U.P.)
9. Laxmania Devi, wife of Late Ramji Prasad, resident of village- Janakpur Dham, PS.- Janakpur Dham, District- Mohalri (Nepal) at present resident of village- Diwari, P.S.- Sursand, District- Sitamarhi
10. Phuljhari Devi, Widow of Late Brijlal Sah
11. Parmeshwar Sah, son of Late Brijlal Sah
12. Ram Narain Sah, son of Parmeshwar Sah Sl. No. 10 to 12 are residents of village + P.S.- Sursand, District- Sitamarhi

.... Respondent/s



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Appearance :

For the Petitioner/s : Dr. Mayanand Jha, Advocate

For the Respondent/s :

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**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
and**

HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL JUDGMENT

(Per: HONOURABLE THE ACTING CHIEF JUSTICE)

Date: 08-02-2017

Re.:I.A. No. 6361 of 2015

The application is for condonation of delay of 8 days in filing the Review Application.

2. For the reasons mentioned in the Interlocutory Application, we are satisfied that the petitioners have shown sufficient cause to seek condonation of delay of 8 days in filing the present Review Application.

3. Consequently, Interlocutory Application No. 6361 of 2015 is allowed and delay of 8 days in filing the Review Application is condoned.

Re.: Civil Review No. 142 of 2015

The petition is for review of the order passed by a Division Bench of this Court on 27th of April, 2015 in L.P.A. No. 1263 of 2001 whereby, it was found that there was partition in the year 1951 and Defendant Nos. 1, 3 and 4 are enjoying their respective shares in the exclusion of others and that there cannot be cause to effect partition again. The plaintiffs were given liberty to seek their remedy against



Defendant No. 4.

2. Petitioners are purchasers of land in question vide sale-deed dated 4th of April, 2001 from the plaintiffs. Learned counsel for the petitioners states that having purchased the land from the plaintiffs, even if during the pendency of the *lis*, they still have a right to seek partition in terms of the liberty granted by the Division Bench and that they shall invoke the jurisdiction of the competent authority to recognize the share of the plaintiffs.

3. In view of the statement of learned counsel for the petitioners, we dispose of the present Review Application as withdrawn with liberty to the petitioners to claim share of the Plaintiff/ vendor in partition proceedings in accordance with law.

(Hemant Gupta, ACJ)

(Sudhir Singh, J)

P.K.P.

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	10.02.2017
Transmission Date	

