

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.419 of 2017

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1. Shambhu Singh,
 2. Bhagban Singh,
 3. Binod Singh, All are sons of Late Bhagwat Singh, resident of village - Bela, P.O. Rajpur, Police Station Belhar, District - Banka
 4. Uma Devi, Daughter of Late Bhagwat Singh, Wife of Jaldhar Singh,
 5. Parwati Devi, daughter of Late Bhagwat Singh, Wife of Sikander Singh, Both are resident of village - Gari Kurma, P.O. Chatra, Police Station Shambhuganj, District - Banka
 6. Premlata Devi, daughter of Late Bhagwat Singh, Wife of Sarju Singh, resident of village - Dhauri, P.O. Rajpur, Police Station Belhar, District - Banka
 7. Sushila Devi, Daughter of Late Bhagwat Singh, Wife of Sadanand Singh, resident of village + P.O. Beldiha, Police Station Belhar, District - Banka
 8. Lalita Devi, daughter of Late Bhagwat Singh, Wife of Subash Singh, resident of village - Bansipur, P.O. Chatmadih, Police Station Shambhuganj, District - Banka
 9. Mostt. China Devi, Wife of Late Durga Singh,
 10. Santosh Kumar Singh, Son of Late Durga Singh,
 11. Pratima Devi,
 12. Suma Devi,
 13. Rina Devi, All daughters of Late Durga Singh, resident of village - Bela, P.O. Rajpur, Police Station Belhar, District - Banka At Present residing at Loco Gate Opp. Running Room, Jamalpur, P.S. Jamalpur, District - Munger
 14. Uttam Singh @ Uttam Kumar Singh,
 15. Raju Singh @ Rajendra Prasad Singh,
 16. Manoj Singh @ Manoj Kumar Singh,
 17. Sanjib Singh @ Sanjiv Kumar Singh, All are sons of Late Chandrika Singh, resident of village - Bela, P.O. Rajpur, Police Station Belhar, District - Banka

.... Appellant/s

Versus

1. Giriwar Nandan Singh, Son of Late Satya Narayan Singh, resident of village - Khutehari, Police Station Belhar, District - Banka
2. Bishwanath Singh,
3. Umesh Singh, Both Sons of Late Devi Singh, resident of village - Khutehari, P.O. + Police Station Belhar, District - Banka
4. Amarnath Singh,
5. Ramnath Singh, Both Sons of Late Bramhdeo Singh @ Bramhnath Singh,
6. Ishwar Singh, Son of Shivgovind Singh @ Siro Singh, All are resident of village - Bela, P.O. Rajpur, Police Station Belhar, District - Banka

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rajib Ranjan Jha, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 15-05-2017



Heard Mr.Rajib Ranjan Jha, learned counsel appearing for the petitioners.

By the impugned order, the learned court below has imposed cost of Rs.5,000/- each to the plaintiffs and the defendants on the ground that the proceeding of the suit was being lingered for last 5 months by both the parties on the pretext of compromise. The suit has been filed for partition. Mr.Jha, learned counsel for the petitioners has submitted that in fact talks of compromise between the parties is going on but due to the imposition of cost by the impugned order, the final compromise could not materialize. The learned counsel for the petitioners, however, has submitted that if the impugned order would be quashed there is every chance that the suit would be disposed of in terms of compromise.

After considering the facts and circumstances of the case, this Court does not find that the learned court below has committed any error of jurisdiction or illegality in passing the impugned order. However, in view of the submissions made by Mr.Jha, learned counsel for the petitioners that the talk of compromise is going on between the parties, the petitioners are set at liberty to approach the learned court below itself by filing appropriate petition for recall of the impugned order in accordance with law, after filing compromise petition in the suit at the earliest.



The application is accordingly dismissed with
aforesaid liberty.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	17.05.2017
Transmission Date	

