

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1212 of 2017

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1. Mahesh Prasad Gupta Son of Sarju Sah Resident of Village - Madhuban,
P.S. - Madhuban, P.O. - Gulbara Madhuban, District - East Champaran.

.... Appellant/s

Versus

1. Ram Narayan Gupta Sons of Late Ramprasad Gupta Resident of Village - Madhuban, P.S. - Madhuban, P.O. - Gulbara Madhuban, District - East Champaran.
2. Umesh Prasad Gupta
3. Binod Prasad Gupta
4. Pramod Kumar Gupta
5. Shiv Kumar Gupta All Sons of Late Sarju Sah Resident of Village - Madhuban, P.S. - Madhuban, P.O. - Gulbara Madhuban, District - East Champaran.
6. Urmila Devi Wife of Rajesh Prasad Gupta Village + P.O. + P.S. - Bhagat Singh Chauk, Nirmali, District - Supaul.
7. Kamlawati Devi Wife of Shivrinarayan Prasad Gupta Resident of Village - Madhuban, P.S. - Madhuban, P.O. - Gulbara Madhuban, District - East Champaran.
8. Rajkumar Gupta Son of Late Ramavtar Sah
9. Ganesh Prasad Gupta
10. Ratnesh Prasad Gupta
11. Dhanesh Prasad Gupta All Sons of Late Ramdeo Prasad Gupta Resident of Village - Madhuban, P.S. - Madhuban, P.O. - Gulbara Madhuban, District - East Champaran.
12. Pabhavati Devi Wife of Rambabu Gupta Resident of Village - Madhuban, P.S. - Madhuban, P.O. - Gulbara Madhuban, District - East Champaran.
13. Meena Devi wife of Ramkailash Prasad Resident of Village - Madhuban, P.S. - Madhuban, P.O. - Gulbara Madhuban, District - East Champaran.
14. Geeta Devi wife of Kapileshwar Prasad Resident of Village - Madhuban, P.S. - Madhuban, P.O. - Gulbara Madhuban, District - East Champaran.
15. Savita Devi Wife of Pramod Kumar Gupta Resident of Village - Madhuban, P.S. - Madhuban, P.O. - Gulbara Madhuban, District - East Champaran.
16. Rajnarayan Prasad Gupta
17. Shiv Shankar Prasad Gupta
18. Ramashankar Prasad Gupta
19. Harishankar Prasad Gupta All Sons of Late Ramprasad Gupta Resident of Village - Madhuban, P.S. - Madhuban, P.O. - Gulbara Madhuban, District - East Champaran.
20. Durgawati Devi wife of Dinesh Prasad Gupta Resident of Village + P.O. - Naya Gav, P.S. - Shyampur Bhatha, District - Shivhar.
21. Ram Balak Singh
22. Ram Gopal Singh
23. Badri Narayan Singh
24. Ram Naresh Singh All Sons of Late Jungbahadur Singh



25. Arun Kumar Singh
26. Alok Kumar Singh Both Sons of Baleshwar Singh
27. Ajit Singh Son of Late Baleshwar Singh
28. Anju Devi wife of Alok Kumar Singh All residents of Village - Dubha Dositya, P.S. - Madhuban, P.O. - Krishna Nagar, District - East Champaran.
29. Gopal Prasad Son of Late Prabhuram Jaiswal Resident of Village - Madhuban, P.S. - Madhuban, P.O. - Gulbara Madhuban, District - East Champaran.
30. Ranjan Raj
31. Ravi Raj Both Sons of Raj Kumar Gupta Resident of Village - Madhuban, P.S. - Madhuban, P.O. - Gulbara Madhuban, District - East Champaran.
32. Rajni Devi Wife of Ravindra Gupta Resident of Village + P.S. + P.O. - Laukhi, District - Madhubani.
33. Reshmi Devi Wife of Brij Mohan Gupta Resident of Village + P.O. - Rampur Gonahi, P.S. - Riga, District - Sitamarhi.
34. Rani Devi Wife of Manoj Kumar Gupta Resident of Village - Naya Gav, P.O. - Chapra Megh, P.S. - Mushari, District - Muzaffarpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Samir Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 05-10-2018

Heard the learned counsel for the petitioner.

The petitioner has filed this Civil Misc. petition against the order dated 12.04.2017 passed in Partition Suit No. 408 of 2013 by which the learned Sub Judge granted permission to defendant No. 17 to execute sale deed with regard to land of his own share in order to meet the expenses of marriage of his daughter.

The learned counsel for the petitioner submits that the order granting permission to defendant No.17 is illegal as defendant No.17 has already sold entire land likely to fall in his



share.

From perusal of the order granting permission to defendant No.17 it is crystal clear that the order itself speaks that if the defendant No.17 had sold the entire land likely to fall in his share, the sale deed executed by defendant No.17 in favour of any person beyond his share shall not be binding on other parties and the same shall be at the risk of the purchaser and defendant No. 17.

In view of safeguard given by the learned Sub Judge, I do not find any reason to interfere in the order. Accordingly, this Civil Misc. petition is dismissed.

(Prabhat Kumar Jha, J)

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