

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1225 of 2018

- =====
1. Rambabu Paswan, son of Late Dukh Haran Paswan
 2. Ganesh Paswan, son of Late Dukh Haran Paswan, Both resident of Mohalla Brahmpura, Ward No. 4, P.S. Brahmpura, District- Muzaffarpur.

.... Petitioners

Versus

1. Neeraj Kumar @ Bablu
2. Dhiraj Kumar @ Pinku
3. Suraj Kumar @ Rinku All are sons of Late Krishna Gopal Verma resident of Mohalla Brahmpura, Ward No. 4, P.S. Brahmpura, District- Muzaffarpur.
4. Randhir Kumar Verma S/o Late Krishna Kant Prasad Verma
5. Ankit Kuamr @ Amar S/o Randhir Kumar Verma
6. Roji Kumari @ Amrita D/o Randhir Kumar Verma All (4 to 6) are resident of Bibiganj Gumti No. 104, P.S. Sadar, District- Muzaffarpur.
7. Babli Kumari W/o Abhimanyu Kumar D/o Late Krishna Gopal Verma, resident of Mohalla- Chakar Road Quarter No. 73/B, P.S.- Kazi Mohammadpur, District - Muzaffarpur.
8. Smt. Lilawati Devi W/o Bimalandu Prasad, resident of Mohalla- Brahmpur, Ward No. 4, MIT Brahmpura, P.S.- Brahmpura Munsifi, Muzaffarpur, District- Muzaffarpur.
9. Pundeo Prasad, son of Gabari Sah, resident of Mohalla- Brahmpura, Ward No. 4, P.S.- Brahmpura, District- Muzaffarpur.
10. Smt. Ramawati Devi, W/o Mohan Prasad, resident of Mohalla- Brahmpura, Ward No. 4, P.S.- Brahmpura, District- Muzaffarpur.
11. Dwarik Paswan, son of Late Kuwar Paswan, resident of Village- Brahmpura, P.S.- Brahmpura, District- Muzaffarpur, at present Village- Madhopur, P.S. Maniari, District- Muzaffarpur.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Vipin Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 23-08-2018

Heard learned counsel for the petitioners.

The petitioners filed this civil miscellaneous petition against the order dated 19.06.2018 passed by Sub-Judge-X,



Muzaffarpur in Title Suit No.151/1992 by which Dwarik Paswan was made defendant in the suit. The petitioners are the plaintiffs.

Learned counsel for the petitioners submits that Dwarik Paswan himself filed petition in Title Suit No.120/1992 that he is step brother of Dukh Haran Paswan. Dukh Haran Paswan was born from Yashoda Devi, the daughter of Laxman Dusadh and after the death of Yashoda Devi, Kumar Paswan married with Sitabiya Devi and defendant no.2 and defendant no.5 are sons from the second wife of Kumar Paswan. They made prayer to expunge their names. It is submitted that in the present case Dwarik Paswan filed a petition to be impleaded as defendant on the ground that he is own brother of Dukh Haran Paswan and the lands stand in the joint name of the plaintiffs and Dwarik Paswan but the plaintiffs wrongly stated that Dwarik Paswan died issueless. It is submitted that Dwarik Paswan is not a necessary party in the suit filed by Dukh Haran Paswan for declaration of title but I find that learned Sub-Judge-X, Muzaffarpur has stated in the order that Dwarik Paswan is own brother of Dukh Haran Paswan and the lands stand in the joint name of Dwarik Paswan and Dukh Haran Paswan. Dukh Haran Paswan has wrongly stated in the plaint that Dwarik Paswan died issueless and he inherited the entire property.



Having considered the facts aforesaid, I do not find any
illegality in the order impinged. Accordingly, this civil
miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

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