

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.564 of 2018**

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1. Baidhyanath Lal, Son of Late Shiv Pujan Lal, resident of Village- Barka Gaon, P.S.- Itarhi, District- Buxar.

.... Petitioner/s

Versus

1. Kanhaiya Lal, son of Late Parshuram Lal
2. Pappu Lal, son of Late Parshurm Lal
3. Haridwar Lal, Son of Late Shiv Pujan Lal
4. Chitranjan Lal, Son of Late Shiv Pujan Lal, All From (1) to (4) are residents of Village- Barka Gaon, P.S.- Itarhi, District- Buxar.
5. Raj Kumari Devi, Wife of Chitranjan Lal, Resident of Village-Barka Gaon, P.S. Itarhi, District-Buxar, Presently residing at Mohalla-Pandeypatti, P.S. Buxar(M), District-Buxar.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rana Ishwar Chandra

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA**

ORAL ORDER

2 25-07-2018 Heard learned counsel for the petitioner.

By the impugned order, learned court below allowed the petition of the respondent No.5 to be impleaded as defendant in place of her husband-respondent No.4 who left pairvi in the case since 2012.

Learned counsel for the petitioner submits that Chitranjan Lal, defendant No.4 appeared and filed written statement. Mukhiya has also given certificate that wife of Chitranjan Lal left her house in the year 1994 but the learned court below illegally allowed the petition of wife of Chitranjan Lal to be impleaded as



defendant No.5.

Admittedly, suit is for partition among the brothers. Chitranjan Lal, defendant No.4 one of the brothers of the petitioner appeared and filed written statement but Chitranjan Lal, defendant No.4 left taking care of the case and became traceless and thus on the facts, I find that the learned court has rightly allowed the petition of Raj Kumari Devi, wife of Chitranjan Lal to implead as defendant and protect her right.

Thus, I do not find any illegality in the impugned order. Accordingly, this civil miscellaneous petition is dismissed.

(Prabhat Kumar Jha, J)

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