

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.94 of 2020**

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Ramdei Devi @ Ramdei Kuwar Wife of Late Kishun Singh Resident of
Village and Post-Marhowraj, District-Saran.

... .. Intervenor/Petitioner

Versus

1. Nageshwar Singh Son of Late Ramchandra Singh Resident of Village-Gauhar Basant, Post-Sripal Basant, Police Station-Garkha, District-Saran.
2. Baleshwar Singh Son of Late Ramchandra Singh Resident of Village-Gauhar Basant, Post-Sripal Basant, Police Station-Garkha, District-Saran.
3. Kusheshwar Singh Son of Late Ramchandra Singh Resident of Village-Gauhar Basant, Post-Sripal Basant, Police Station-Garkha, District-Saran.
4. Lal Babu Singh Son of Late Ramchandra Singh Resident of Village-Gauhar Basant, Post-Sripal Basant, Police Station-Garkha, District-Saran.

.... Plaintiffs/Respondents 1st Set

5. Shiv Shankar Singh Son of Late Thakur Singh Resident of Village-Gauhar Basant, Post-Sripal Basant, Police Station-Garkha, District-Saran.
6. Ram Raj Singh Son of late Thakur Singh Resident of Village-Gauhar Basant, Post-Sripal Basant, Police Station-Garkha, District-Saran.
7. Ram Narayan Singh Son of Late Thakur Resident of Village-Gauhar Basant, Post-Sripal Basant, Police Station-Garkha, District-Saran.

.... Respondents/Respondents 2nd Set

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Basant Kumar Singh, Advocate.

For the Respondent/s:

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 25-02-2020

The present petition has been filed *"for setting aside the order dated 02.09.2019 passed by the learned Sub-Judge I, Saran at Chapra in F.D. No. 08 of 1974 (Ramchandra Singh Vs. Thakur Singh) whereby and whereunder petition dated 14.05.2019 under Order 1*



Rule 10 of the Code of Civil Procedure preferred by the petitioner for impleadment as defendant no. 3(a) of the said has been rejected”.

2. Learned counsel for the intervenor/petitioner states that a partition suit was filed by the plaintiff Ram Chandra Singh against his brother Thakur Singh and his sons Shiv Shankar Singh, Ram Raj Singh and Ram Narayan Singh as defendants. The suit was decreed against Thakur Singh who filed Title Appeal No. 49 of 1978/09 of 2001. During pendency of appeal, Thakur Singh died in whose place his widow and sons were impleaded. They then filed Second Appeal No. 102 of 2002 which was dismissed and so also, Civil Appeal No. 7148 of 2005 stood dismissed by the Hon'ble Supreme Court. It is submitted that the petitioner being the daughter of late Thakur Singh was entitled to be impleaded as she was also entitled in the share of late Thakur Singh and as such the learned Court below ought not to have rejected her application under Order I Rule 10 of the Code of Civil Procedure.

3. Having heard learned counsel for the intervenor/petitioner and on consideration of the materials on record, this Court is not inclined to interfere in the matter. It appears that the suit has been filed as far back as in the year 1974 against Thakur Singh and his sons. The petitioner claims to be the daughter of Thakur Singh which has been denied in the rejoinder filed by the plaintiff Ram Chandra Singh who has pointed out that Thakur Singh himself had stated in his evidence that he had three



sons and also one daughter who had died. The plaintiff had further denied in his rejoinder that the petitioner is a daughter of Thakur Singh, clarifying that Thakur Singh’s daughter Lalmuni Devi had died issueless after which his son-in-law Kishun Singh had solemnized second marriage with the petitioner who is the daughter of Tipu Singh. The petitioner does not appear to have brought on record any material in support of her claim of being the daughter of Thakur Singh.

4. In the above circumstances, the petition is devoid of merit and stands dismissed.

(Vikash Jain, J)

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AFR/NAFR	NAFR
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