

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.2184 of 2017

Tej Prakash Choudhary @ Tej Prakash Son of Late Yogendra Prasad Choudhary, Resident of Azad Chauk Dhaka, Dhaka, P.S. Dhaka, District-East Champaran.

... .. Petitioner/s

Versus

1. Smt. Shobha Devi and Ors Wife of Lalbabu Prasad and Daughter of Late Yogendra Prasad Choudhary, Resident of Pedri Tarka, Village Dhaka Ram Chandra, P.S. Dhaka, District-East Champaran.
2. Smt. Ram Sakhi Devi, Wife of Late Yogendra Prasad Choudhary, Resident of Azad Chauk Dhaka, Dhaka, P.S. Dhaka, District-East Champaran.
3. Smt. Sarwati Devi, Wife of Ganga Sagar Prasad and Daughter of Late Yogendra Prasad Choudhary, Resident of Village-Ghorasahan, P.S. Ghorasahan, District-East Champaran.
4. Gafira Khatoon, Wife of Wajul Haque, Resident of Village-Darsahiya, P.S.- Dhaka, District-East Champaran.
5. Nasreen Parveen, Wife of Mohtin Alam, Resident of Village-Dhaka, Ram Chandra Tola, Mohhabatpur, P.S. Dhaka, District-East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Kumar Uday Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 26-09-2022 Mr. Kumar Uday Singh, learned counsel appearing for the petitioner submits that he is not pressing this petition filed against impugned order dated 18-11-2017 passed by learned Sub Judge, Sikrahana Dhaka, East Champaran in Partition Suit No. 423 of 2011 impleading the respondent nos.- 4 & 5 in the C. Misc. No. 2184 of 2017. The sale deed has been executed in favour of the intervener - respondents by the plaintiff pertaining to the homestead land and house of the joint family situated on Plot No. 1987 , Khata No. 144 in violation of injunction granted by the learned trial court dated 16-02-2012. The sale deed itself is



void *ab initio* and not binding upon the petitioner-defendant and is voidable also. He further submits that a compromise petition has been filed by plaintiff and the defendant in which the land sold by the plaintiff in favour of the respondent nos. 4 & 5 has not been allotted in her share and the same has been allotted in share of other defendant i.e. defendant -3rd set and as such, necessary issues are required to be framed by the trial court in order to settle the dispute between the parties effectually and completely.

In that view of the matter, learned counsel seeks permission to withdraw this application with liberty to take necessary steps for amendment of plaint and / or otherwise or file any other petition as advised.

Mr. Krishna Kant Singh, learned counsel for the intervener - respondent nos. 4 & 5 has no objection to this prayer.

Permission is granted.

This civil miscellaneous application is dismissed as withdrawn with the aforesaid liberty.

praful/-

(Anil Kumar Sinha, J)

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