

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1277 of 2018

Pritee Singh Wife of Anurag Singh, D/o Kashi Singh, Resident of Village-Pavara, P.S. Chand, District-Kaimur Bhabhua, At Present Resident of Village-Kilani, P.S. Chand, District-Kaimur Bhabhua. Petitioner/s

Versus

1. Kashi Singh Son of Late Raghunath Singh.
2. Abha Singh, D/o Kashi Singh, Wife of Amit Kumar Singh Both Resident of Village-Pavara, P.O. Kuddi, P.S. Chand, District-Kaimur Bhabhua.
3. Santosh Singh
4. Sanjay Singh Sons of Late Mangal Singh
5. Ajay Singh
6. Anil Singh All Resident of Village-Pavara, P.O. Kuddi, P.S. Chand, District-Kaimur Bhabhua.
7. Jagdish Singh, Son of Late Bhagwat Singh.
8. Sunil Singh, Son of Jagdish Singh.
9. Dewant Kuwar, Wife of Late Vijendra Singh.
10. Manish Singh Sons of Late Vijendra Singh.
11. Ritesh Singh Serial No. 7 to 11 Resident of Vill. Jigana, P.S. Chand, Dist. Kaimur Bhabhua.
12. Hoshila Devi, D/o Late Mangal Singh, Wife of Ram Ashish Singh, Resident of Village-Matau, P.S. Saiyadraja, District-Chandauli U.P..
13. Chanchal Devi, D/o Late Mangal Singh, Wife of Kripashankar Singh, Resident of Village-Jasuri, P.S. and District-Chandauli U.P..
14. Mansha Devi, D/o Late Mangal Singh, Wife of Ajay Singh, Resident of Village-Jeewpur, P.S. Jamania, District-Gajipur U.P..
15. JUhi Kumari
16. Kuldeep Singh
17. Khushi Kumari All Minor Son and Daughter of Santosh Singh Under Guardianship of their Natural Father Santosh Singh all R/o Village-Pavara P.S. Chand, Distt. Kaimur Bhabhua.
18. Gudia Devi, D/o Santosh Singh, Wife of Binod Singh, Resident of Village-Jeewpur, P.S. Jamania, District-Gajipur U.P..
19. Himanshu Singh
20. Goloo Singh Both Minor Sons of Sanjay Singh and Under Guardianship of their Natural Father Sanjay Singh and All R/o Village-Pavara, P.S. Chand, Distt.Kaimur Bhabhua.
21. Amit @ Chhotak Singh.
22. Shivani
23. Monee.
24. Shubham @ Laki Singh All Minor Sons of Ajay Singh and Under the Guardianship of their Natural Father Ajay Singh and all R/o Village-Pawara, P.S. Chand, Distt.-Kaimur Bhabha.
25. Ashu Kumari
26. Muskan Kumari
27. Gungun Kumari



28. Om @ Lakhshya Singh All Minor Daughter and Sons of Anil Singh and Under Guardianship of their natural Father Anil singh and all R/o Village-Pavara, P.S. Chand, Distt. Kaimur Bhabua.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Bishwa Nath Chaudhary, Adv.
Mr. Praveen Kumar, Adv.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-09-2022 Heard Mr. Bishwa Nath Chaudhary, learned counsel
for the petitioner.

2. Petitioner is aggrieved by the impugned order dated 10.05.2018 passed by learned Sub Judge 1st, Kaimur, Bhabha in Title Suit No. 5069 of 2014/576 of 2014 whereby his petition under Order-I Rule 10(2) of the CPC has been rejected by the learned trial court by not allowing the petitioner to add her parentage i.e., daughter of Kashi Singh.

3. Learned counsel for the petitioner submits that Respondents 1st Set including the father of the petitioner, Kashi Singh filed the suit for partition of the joint family property but deliberately, the plaintiff did not disclose all the claimants in the said suit, however, on an objection raised by the defendant, the father of the petitioner, plaintiff filed an amendment petition for addition of parties which was allowed and the petitioner has been added as defendant in the suit but on the basis of petition filed by the plaintiff, Kashi Singh, the petitioner has been added



as defendant in the suit without showing her parentage and name of her father has not been mentioned and she has been shown to be the wife of Anurag Singh. Learned counsel next submits that along with his petition for impleadment he has filed other documents to show that plaintiff, Kashi Singh is her father.

4. After having heard learned counsel for the petitioner, it appears that the petitioner has already been added as a party in the suit as defendant being the member of the joint family. The contention of the petitioner, that her parentage has not been shown by the plaintiff i.e., her father and she has been added as party at his behest through her husband's name, is misconceived inasmuch as once the petitioner has been made defendant, she can claim her share if found entitled during course of trial on the basis of documentary as well as oral evidence.

5. Accordingly, the present application is misconceived having no merit therein. The same is, hereby, dismissed.

(Anil Kumar Sinha, J)

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