

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.980 of 2018

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

(Defendant Ist Party in the court below)

... .. Petitioner/s

Versus

1. Smt. Shobha Devi, wife of Lalbabu Prasad & daughter of Late Yogendra Prasad Choudhary, resident of Pedri Tarka, village Dhaka Ram Chandra, P.S. Dhaka, District-East Champaran. (Plaintiff in the court below.)

----- Respondent Ist Party

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. Sarswati Devi, wife of Ganga Sagar Prasad and daughter of Late Yogendra Prasad Choudhary, resident of village-Ghorasahan, P.S. Ghorasahan, District-East Champaran.

(Defendants Ist Party in the court below.)

----- Respondents 2nd Party.

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, Mahhabatpur, P.S. Dhaka, District-East Champaran.

6. Shammim Khan, Son of Late Kamrudin Khan.

7. Md. Mustaque Alam, Son of Md. Nijamudin.

8. Md. Sabir Alam, Son of Md. Rahul Haque

All are residents of village Dhaka, Ram Chandra Tola, P.S. Dhaka, District East Champaran.

----- Respondents 3rd Party.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Kumar Uday Singh

For the Respondent/s : Mr. Krishna Kant Singh, Adv.

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 17/04/2018 passed by learned Sub Judge,

Sikrahana Dhaka, East Champaran in Partition Suit No. 423 of 2011 im-



pleading the respondent nos.- 6, 7 & 8 in C. Misc. No. 980 of 2018. 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. 1123 , Khata No. 209 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. 6, 7 & 8 has no objection to this prayer.



Permission is granted.

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withdrawn with the aforesaid liberty.

(Anil Kumar Sinha, J)

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