

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.524 of 2020

Anil Kumar Singh S/o Late Shivnarayan Singh Resident of Village Ramchak,
P.O. Katsa, P.S. Bheldi, District Saran.

... .. Petitioner/s

Versus

1. Sumita Kumari alias Sumita Devi D/o Late Shivnarayan Singh and W/o Late Guddu Kumar Singh Resident of Village Takht Tarwar, Near Bhagwati Sthan, P.O. Tarwar, P.S. Amnaur, District Saran.
2. Shubh Narayan Singh S/o Late Ram Preet Singh Resident of Village Ramchak, P.O. Katsa, P.S. Bheldi, District Saran, At Present House Number 90, Bank Colony, Mission School Road, Hazaribagh, Jharkhand.
3. Sabita Kumari W/o Bhusan Kumar Tyagi Resident of Village Kewani, P.S. Garkha, District Saran.
4. Suchita Kumari W/o Arvind Kumar Singh Resident of Village Bheldi, P.O. Bheldi, P.S. Bheldi, District- Saran.
5. Shyamnarayan Singh S/o Rampreet Singh Resident of Village Ramchak, P.O. Katsa, P.S. Bheldi, District Saran, At present Sharda Colony, near Janak Marble, Behind Bus Stand, Satna, Madhya Pradesh- 485001.
6. Roop Kumari W/o Vijay Kumar Singh Resident of Village Bheldi, P.O. Bheldi, P.S. Bheldi, District Saran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nagendra Rai, Advocate
For the Respondent/s : Mr.Dr. Kumar Amitesh Chandra, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 31-10-2023 Heard the parties.

2. This application has been filed for quashing of the order dated 06.11.2019 passed by learned Sub Judge-1, Chapra in Partition Suit No. 59 of 2017.

3. Learned counsel for the petitioner has submitted that by the impugned order the amendment application with regard to some properties which were acquired by mother of the respondent no. 1 and the petitioner has been allowed. The suit has been filed by respondent no. 2 (Subhnarayan Singh) for partition of the ancestral property. He further submits that the properties which were self acquired by the deceased Santi Devi



by way of sale deed or by gift cannot be a part of the present suit and the impugned order with regard to those properties may be set aside.

4. Learned counsel appearing for the respondent no. 2 is the plaintiff in the court below also agrees to this fact that the suit properties belonging to the deceased Santi Devi cannot become a part of the present suit and if the daughters have dispute over the partition of self acquired properties of deceased Santi Devi, they can file a fresh partition suit for partition of the suit properties acquired by deceased Santi Devi.

5. Learned counsel for the respondent no. 1 also has no objection to the same, in view of the settled legal position.

6. In view of the above, the amendment with regard to the properties acquired by deceased Santi Devi cannot be sustained and the same is set aside.

7. If the plaintiff has any dispute with defendants with regard to some properties, he may bring an amendment for his right, title and interest of the said properties.

8. With the aforesaid observation and direction, this application is disposed of.

(Sandeep Kumar, J)

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