

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.517 of 2013

1. Asha Kuer, Wife Of Late Ashok Kumar Sinha, Resident Of Village and Post and P.S. Shahpur District - Bhojpur
2. Chandan Kumar Sinha, Son Of Late Ashok Kumar Sinha, Resident Of Village and Post and P.S. Shahpur District - Bhojpur
3. Ashish Kumar Sinha, Son Of Late Ashok Kumar Sinha, Resident Of Village and Post and P.S. Shahpur District - Bhojpur
4. Alok Kumar Sinha, Son Of Late Jainarayan Lal, Resident Of Village and Post and P.S. Shahpur District - Bhojpur

... .. Petitioner/s

Versus

1. Sudhir Kumar Sinha, Son Of Late Laxmi Narayan Lal, Resident Of Village and Post and P.S. Shahpur Dist - Bhojpur At Present A-302, Janki Apartment, New Chitragupta Nagar Kankarbagh, Patna 800020
2. Satish Kumar Sinha, Son Of Late Laxminarayan Lal, Resident Of Village and Post and P.S. And Anchal Shahpur District Bhojpur At Present House No. 09 Road No. 4, Indrapuri Post Keshri Nagar District Patna
3. Santosh Kumar Sinha, Son Of Late Laxminarayan Lal, Resident Of Village and Post and P.S. and Anchal Shahpur Dist Bhojpur, At Present C/O Sri Baleshwar Das Road No. 23, S.K. Nagar, Patna -1
4. Sidheshwar Lal @ Sidheshwar Prasad Lal, Son Of Late Laxminarayan Lal, Resident Of Village and Post and P.S. Shahpur District Bhojpur
5. Sushil Kumar Sinha, Son Of Late Laxminarayan Lal, Resident Of Village and Post and P.S. Shahpur District Bhojpur At Present Chandwa Tola Post Ara P.S. Ara Nawada District Bhojpur
6. Most. Kamla Devi, Wife Of Late Mahabir Pd Singh, Resident Of Village and Post and P.S. Shahpur Dist Bhojpur At Present Flat No. 103, Nagendra Palace Tagori Hilla Road Morhabadi Ranchi Jharkhand - 834008
7. Shobha Devi, Wife Of Sri Atul Chandra Sinha, Resident Of Village and Post and P.S. Shahpur Dist Bhojpur At Present Flat No. 103, Nagendra Palace Tagori Hilla Road Morhabadi Ranchi Jharkhand - 834008
8. Most Kavita Devi, Wife Of Late Sanjeev Kumar Sinha
9. Pratik, Son Of Late Sanjeev Kumar Sinha
10. Mona Under The Guardianship Mother Most Kavita Devi At Present C/O



Sanjay Kumar Sinha Flat No. 402 Shivan Apartment, Gandhi Nagar,
Kankarbagh, Patna -20

11. Sri Krishna Ojha, Son Of Manbodh Jha, Resident Of Village Sahjanti P.S.
Shahpur District Bhojpur
12. Shambhu Saran Mishra, Son Of Late Sarya Mishra, R/O Maura Karnamepur
P.S. Shahpur Dist Bhojpur

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Ojha, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

5 19-04-2023 Heard learned counsel for the petitioners.

This Civil Writ Jurisdiction Case under Article 227 of the Constitution of India has been filed against the order dated 13.06.2012 passed by learned Sub-Judge-V, Ara in Title Suit No. 661 of 2010.

Learned counsel for the petitioners submits that in this case, the judgment has already been passed by the learned trial Court vide judgment dated 29.01.2020. Accordingly, he seeks permission to withdraw this case.

However, he has submitted that permission may be granted to the petitioners to file an independent suit if so advised.

From perusal of the impugned order dated 13.06.2012, it appears that the learned trial Court has observed that if the intervenors / petitioners are interested in asserting and



establishing their right, it is for them to file an independent suit but they cannot intervene in a suit where plaintiffs seeks no relief against them.

It is needless to say that if the petitioners have any legal right to file the suit, they can file the same in accordance with law.

As prayed for, the permission to withdraw this Miscellaneous application is accorded.

This Miscellaneous application, is accordingly, disposed of as withdrawn.

(Sunil Dutta Mishra, J)

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