

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1136 of 2018

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Aflatun Miya @ Afalatun S/o Raj Husain Resident of Village- Dhobavaliya,
P.O. Udat Ray Ke Bangra, P.S.- Manjhagarh, District- Gopalganj.

... .. Petitioner/s

Versus

1. Rajaytun Nesa Wife of Ali Akhtar Resident of Village- Mahuwal, P.O.- Badram, P.S.- Husenganj, District- Siwan and Daughter of Phateh Mahmed, Resident of Village- Bhubavaliya, P.O.- Udat Rai Kr. P.S. Manjhagarh, District- Gopalganj.
2. Hasibul Khatoon Wife of Yurdatullah Resident of Village- Pipra, P.S.- Manjhagarh, At present Resident of Village- Dhobaraliya, P.O.- Udat Rai Ke Bangra, P.S.- Manjhagarh, District- Gopalganj.
3. Ali Husaain Son of Phateh Mahmad Resident of Village- Dhobavaliya, P.O.- Udat Rai Ke Bangra, P.S.- Manjhagarh, District- Gopalganj.
4. Matiur Rahman Son of Late Navi Hussain @ Magroo Resident of Village- Dhobavaliya, P.O.- Udat Rai Ke Bangra, P.S.- Manjhagarh, District- Gopalganj.
5. Safiur Rahman Son of Late Navi Hussain Resident of Village- Dhobavaliya, P.O.- Udat Rai Ke Bangra, P.S.- Manjhagarh, District- Gopalganj.
6. Javiuar Rahman Son of Late Navi Hussain Resident of Village- Dhobavaliya, P.O.- Udat Rai Ke Bangra, P.S.- Manjhagarh, District- Gopalganj.
7. Aaser Hussien son of Ekbal Miya Resident of Village- Dhobavaliya, P.O.- Udat Rai Ke Bangra, P.S.- Manjhagarh, District- Gopalganj.
8. Adalat Miya son of Ekbal Miya Resident of Village- Dhobavaliya, P.O.- Udat Rai Ke Bangra, P.S.- Manjhagarh, District- Gopalganj.
9. Hasim Miya Son of Ekbal Miya Resident of Village- Dhobavaliya, P.O.- Udat Rai Ke Bangra, P.S.- Manjhagarh, District- Gopalganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Javed Aslam
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

13 28-08-2023 Heard learned counsel for the petitioner and the

learned counsel for the respondents.

By the impugned order dated 30.01.2018, the



written statement filed by defendants no. 6, 7, 8 and 9 has not been accepted.

It was submitted by the learned counsel for the petitioner i.e. defendant no.5. that this application has been filed by the defendant no.5 with a submission that he had no knowledge about the pendency of the partition suit, therefore, he could not file the written statement in time but it appears that impugned order has been passed in a partition suit and not accepting the written statement of the defendants no. 6, 7, 8 and 9 will cause injustice to the parties.

In the interest of justice, I set aside the order dated 30.01.2018, written statement filed by the defendants no. 6, 7, 8 and 9 is directed to accepted by the Court below and the Court below will proceed in the partition suit in accordance with law expeditiously as the same is pending since 2014.

(Sandeep Kumar, J)

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