

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.443 of 2022

1. Basudeo Rai Son of Late Bittu Gope, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
2. Ram Chandra Rai Son of Late Bittu Gope, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
3. Pradeep Rai Son of Late Bittu Gope, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
4. Raju Ray Son of Basudeo Rai, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
5. Rajjan Rai Son of Basudeo Rai, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
6. Shivan Rai Son of Basudeo Rai, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
7. Jairam Rai Son of Basudeo Rai, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
8. Raj Kishore Rai Son of Late Sheonandan Rai, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
9. Chandradeep Rai Son of Late Sheonandan Rai, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
10. Bidya Rai Son of Ram Chandra Rai, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
11. Bhim Rai Son of Ram Chandra Rai, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
12. Dina Rai Son of Ram Chandra Rai, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
13. Sanjay Rai Son of Ram Chandra Rai, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
14. Anandi Rai Son of Late Dilip Rai, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
15. Subhash Rai Son of Late Dilip Rai, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
16. Ram Dayal Rai Son of Late Dilip Rai, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
17. Umesh Rai Son of Pradeep Rai, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
18. Santosh Kumar Minor of Late Awadhesh Rai under guardianship of his uncle Umesh Rai who is legal and natural guardian who has no adverse interest against minor. Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.
19. Dinesh Rai Son of Pradeep Rai, Resident of Villeg- Kamerjee, P.S.- Gauarrichak, District- Patna.



... .. Petitioner/s

Versus

1. Milan Rai Son of Yugeshwar Rai, Resident of Villeg- Kamerjee, P.S.-
Guarrichak, District- Patna.
2. Ramdeo Rai Son of Yugeshwar Rai Resident of Villeg- Kamerjee, P.S.-
Guarrichak, District- Patna.
3. Hamina Devi Wife of Agbinder Rai, Resident of Villeg- Kamerjee, P.S.-
Guarrichak, District- Patna.
4. Sunil Rai Son of Rabindra Rai, Resident of Villeg- Kamerjee, P.S.-
Guarrichak, District- Patna.
5. Anil Rai Son of Rabindra Rai, Resident of Villeg- Kamerjee, P.S.-
Guarrichak, District- Patna.
6. Mithlesh Rai Son of Rabindra Rai, Resident of Villeg- Kamerjee, P.S.-
Guarrichak, District- Patna.
7. Lalti Devi Widow Late Balo Rai, Resident of Villeg- Kamerjee, P.S.-
Guarrichak, District- Patna.
8. Ram Ekbal Rai Son of Late Jai Dayal Rai, Resident of Villeg- Kamerjee,
P.S.- Guarrichak, District- Patna.
9. Akhilesh Rai Son of Late Ramashish Rai, Resident of Villeg- Kamerjee,
P.S.- Guarrichak, District- Patna.
10. Ramratan Rai Son of Late Dheo Narain Rai, Resident of Villeg- Kamerjee,
P.S.- Guarrichak, District- Patna.
11. Suresh Rai Son of Late Sheo Narain Rai, Resident of Villeg- Kamerjee,
P.S.- Guarrichak, District- Patna.
12. Upendra Rai Son of Late Ramanand Rai, Resident of Villeg- Kamerjee,
P.S.- Guarrichak, District- Patna.
13. Sikandar Rai Son of Late Ramanand Rai, Resident of Villeg- Kamerjee,
P.S.- Guarrichak, District- Patna.
14. Sanjay Rai Son of Late Ramanand Rai, Resident of Villeg- Kamerjee, P.S.-
Guarrichak, District- Patna.
15. Dhananjay Rai Son of Late Ramanand Rai, Resident of Villeg- Kamerjee,
P.S.- Guarrichak, District- Patna.
16. Sunita Devi Widow of Late Bijendra Rai, Resident of Villeg- Kamerjee,
P.S.- Guarrichak, District- Patna.
17. Manju Rai Son of Late Balo Rai, Resident of Villeg- Kamerjee, P.S.-
Guarrichak, District- Patna.
18. Pappu Rai Son of Late Balo Rai, Resident of Villeg- Kamerjee, P.S.-
Guarrichak, District- Patna.
19. Surendra Rai Son of Late Balo Rai, Resident of Villeg- Kamerjee, P.S.-
Guarrichak, District- Patna.
20. Arun Rai Son of Ram Ekwal Rai, Resident of Villeg- Kamerjee, P.S.-
Guarrichak, District- Patna.
21. Anil Rai Son of Ram Ekwal Rai, Resident of Villeg- Kamerjee, P.S.-



Guarrichak, District- Patna.

22. Most. Aarati Devi Widow of Late Shiv Lal Rai, Resident of Villegge- Kamerjee, P.S.- Guarrichak, District- Patna.
23. Bimlesh Kumar (Minor) Son of Late Shiv Lal Rai, minor under Guardianship of their mother Aarati Devi natural Guardian and Legal representative who has no adverse interest against minors. Resident of Villegge- Kamerjee, P.S.- Guarrichak, District- Patna.
24. Ritesh Kumar (Minor) Son of Late Shiv Lal Rai, minor under Guardianship of their mother Aarati Devi natural Guardian and Legal representative who has no adverse interest against minors. Resident of Villegge- Kamerjee, P.S.- Guarrichak, District- Patna.
25. Lalan Rai Son of Late Raj Narayan Rai, Resident of Villegge- Kamerjee, P.S.- Guarrichak, District- Patna.
26. Dharmendra Rai Son of Late Raj Narayan Rai, Resident of Villegge- Kamerjee, P.S.- Guarrichak, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abhinay Raj, Advocate
For the Respondent/s : Mr.Parimal Kishore Narayan, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

8 21-09-2023 Heard Mr. D.K. Sinha, learned Senior counsel

appearing for the petitioners and Mr. Pramod Kumar Yadakta

for the respondents.

2. This application has been filed for directing against the order dated 26.04.2022 passed by learned Addl. Sessions Judge-24, Patna, in Civil Misc. Appeal No. 49 of 2015 by which learned Judge has set aside the order dated 07.09.2015 passed by learned Sub Judge-II, Patna in Title Partition Suit No. 589 of 2013.

3. Both the parties have very fairly submitted and undertaken that all the parties will not sell off any property i.e.



mortgage, transfer or make any change in the suit property and they will maintain status quo during pendency of the suit. They further submit that both the parties will cultivate their lands without any interference of either of the parties and they will cooperate in the disposal of the suit without taking any unnecessary adjournment in the court below.

4. The Sub Judge-II, Patna is directed to dispose of the Title Partition Suit No. 589 of 2013 within a year of receipt/communication of a copy of this order and will proceed *ex parte* against non-cooperating party. The Sub Judge-II, Patna will not stay the proceedings without any specific order and stayed by this Court. Filing/pendency of any civil miscellaneous or civil revision will not operate as automatic stay of the further proceedings in the court below.

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

(Sandeep Kumar, J)

Harsh/

U			
---	--	--	--

