

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16690 of 2013

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Ananda Chaudhary @ Nanda Chaudhary son of Late Kapildeo Chaudhary
Resident Of Village And P.O. Dariyapur Kaphan Police-Station- Kurhani, P.O.
Dariyapur Kehen, Via, Turku, District- Muzaffarpur

... .. Petitioner/s

Versus

1. Sri Niwas Chaudhary Son Of Late Shyam Nandan Sharma Resident Of Village- Dariyapur, Kafen, Police Station Kurhani, P.O. Kafen Via Turki, District- Muzaffarpur
2. Ram Niwas Chaudhary Son Of Late Shyam Nandan Sharma Resident Of Village- Dariyapur, Kafen, Police Station Kurhani, P.O. Kafen Via Turki, District- Muzaffarpur
3. Shobhakant Chaudhary Son Of Late Gaya Chaudhary Resident Of Village- Dariyapur, Kafen, Police Station Kurhani, P.O. Kafen Via Turki, District- Muzaffarpur
4. Satyendra Kr. Choudhary Son Of Late Gaya Chaudhary Resident Of Village- Dariyapur, Kafen, Police Station Kurhani, P.O. Kafen Via Turki, District- Muzaffarpur
5. Mahendra Chaudhary Son Of Late Sukhdeo Chaudhary Resident Of Village- Dariyapur, Kafen, Police Station Kurhani, P.O. Kafen Via Turki, District- Muzaffarpur
6. Madan Mohan Singh Son Of Late Narayan Singh Resident Of Village- Dariyapur, Kafen, Police Station Kurhani, P.O. Kafen Via Turki, District- Muzaffarpur
7. Madhwa Singh Son Of Late Baldeo Singh Resident Of Village- Dariyapur, Kafen, Police Station Kurhani, P.O. Kafen Via Turki, District- Muzaffarpur
- 8.1. Sunita Devi @ Sunita Choudhary Wife of late Murari Choudhary
- 8.2. Amit Kumar Son of late Murari Choudhary
- 8.3. Anita Raj D/o late Murari Choudhary All resident of Mohalla- Bibi ganj, Road No. 5, P.S. Sadar, District Muzaffarpur.
- 9.1. Anamika Kumari Wife of Binay Mishra C/o Murari Choudhary, Resident of Subhas Nagar, Road No. 5, Bibiganj, Muzaffarpur, P.S. Sadar, P.O. Brahmahpura, District- Muzaffarpur.
- 9.2. Sri Deva Nand Choudhary Son of late Kapildeo Choudhary C/o Prabhakar Jha, resident of Village- Bari, P.O. Baru, P.S. Jaridih, District- Bokaro.
- 10.A Sri Kant Choudhary
- 10.B Sushil Kumar Choudhary residing in Village and P.O.- Dariyapur Kaphen, P.S. Kurhani, Dist.- Muzaffarpur

... .. Respondent/s

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Appearance :



For the Petitioner/s : Mr. Shyam Sunder Pandey, Adv.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

11 25-02-2023 The present writ petition has been filed seeking the following relief:-

“1. That, this application is filed for issuance of writ in the nature of writ of certiorari calling upon the opposite parties to show cause as to why the Judicial order dated 22.06.2013 passed by the learned Sub Judge, 2nd Muzaffarpur (vide Annexure-5) rejecting the petitioner's application dated 15.01.2013 filed by the petitioner for bringing the deed of gift dated 14.08.1933 on record be not quashed/ cancelled in the interest of Justice as also to issue a writ of mandamus directing the court below to act in accordance with law in the manner mentioned under section 68 of the Evidence Act.”

The learned counsel for the respondents, at the outset, has pointed out that P.W. 11 is already dead, hence, nothing survives for consideration in the present writ petition.

In view of the aforesaid, the learned



counsel for the petitioner seeks liberty on behalf of the petitioner to pursue his remedy before the learned Court below.

Liberty so sought is granted.

The writ petition stands dismissed as not pressed.

(Mohit Kumar Shah, J)

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