

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10742 of 2014

In
CIVIL REVISION No.137 of 2012

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Ashish Kumar Mahto @ Sonu @ Ashutosh Kumar Mahto son of Late Uma Shankar Mahto, resident of Ward No.5, Town, P.S. and District-Madhubani, at present residing house of Suresh Kumar Khan, Mohalla-Gudri Road, Town & P.S.-Dalsingsarai, District-Samastipur.

.....Defendant No.3 ... Petitioner

Versus

1. Smt. Bhawani Devi wife of Sri Kailash Chandra Nayak and daughter of Badri Narayan Mahto, resident of ward no.9, Town & P.S.-Jaynagar, District-Madhubani.

...Plaintiff.... Opposite Party.

2. Smt. Sita Devi wife of Shri Dharendra Kumar Mahto, resident of Ward No.1, Mahadeo Math, Dak Bungalow Road, Town and P.S.- Rosera, District-Samastipur.

3. Smt. Bina Devi, wife of Shri Ohm Panjiyar, Mohalla- Ganj, Town & P.S.-Dalsingsarai, District-Samastipur.

4. Smt. Rekha Devi, widow of late Uma Shankar Mahto, resident of Mohalla-Purani Chatti (Bara Bazar), Ward No.5, Town, P.S. & District-Madhubani.

..Defendants ... Respondents.

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Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Respondent/s : Mr.Shashi Nath Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

5 10-07-2024 The present writ petition has been filed seeking the following relief:-

“1. That the present application is directed against the order dtd. 26.04.2012 passed in Partition Suit No. 216 of 2010 by Sub-Judge-I, Madhubani whereby and whereunder the petition filed on 22.12.2011 by the defendant no. 3-petitioner raising a preliminary issue of jurisdiction has been disposed of with an observation that the same will be considered at the time of final hearing.”

2. At the outset, the learned counsel for the



petitioner seeks not to press the writ petition, however, seeks liberty on behalf of the petitioner to raise all the issues, raised in the present petition, before the learned Court of Sub-Judge-I, Madhubani, in the pending Partition Suit No.216 of 2010, in case any cause of action still survives.

- 3. Liberty, so sought, is granted.
- 4. The writ petition stands disposed off.

(Mohit Kumar Shah, J)

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