

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1246 of 2023

Smt. Shakuntala Devi Agrawal W/o Late Bajrang Prasad Agrawal, Resident of Mohalla - New Road, Guru Govind Path, P.S. - Chowk, P.O. - Patna City, District - Patna.

... .. Petitioner/s

Versus

1. Sumitra Devi W/o Late Ram Niwas Agrawal Resident of Mohalla - Guru Govind Patha, P.S. - Chowk, P.O. - Patna City, Pin Code- 800008, Bandar Bagicha Lane, Dakbangal Road, Distt. - Patna - 800001, Bihar.
2. Smt. Meena Khemka, D/o Late Ran Niwas Agrawal, Resident of Mohalla - Guru Govind Patha, P.S. - Chowk, P.O. - Patna City, Pin Code- 800008, Bandar Bagicha Lane, Dakbangal Road, Distt. - Patna - 800001, Bihar.
3. Smt. Shilpy Agrawal, D/o Late Ram Niwas Agrawal, Resident of Mohalla - Guru Govind Patha, P.S. - Chowk, P.O. - Patna City, Pin Code- 800008, Bandar Bagicha Lane, Dakbangal Road, Distt. - Patna - 800001, Bihar.
4. M/s. Patna wire Products a partnership firms instituted under The India Partnership Act, situated at Mohalla - Mogalpura, P.S. - Khajekalan, Patna City, Town and District - Patna through its partner Late Ram Niwas Agarwal.
5. Sri Harish Jalan, Son of Late Murli Manohar Jalan, R/o Kilaroad, P.S. - Chowk, Patna City, Town and District - Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Manager Sah, Advocate Mr. Mohit Kumar, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 08-02-2024

Re:- I.A. No. 01 of 2024

Learned counsel for the petitioner submits that the instant Interlocutory Application has been filed for withdrawal of the present petition as the respondents, who were substituted as legal heirs, have filed an application for review of impugned order dated 23.11.2023, passed by Civil Judge 2nd, Patna City in Title Suit No. 125 of 2008, for addition of their names as legal



heir instead of partner in terms of Partnership Act, but from the perusal of annexure which is copy of petition of Misc. Case No. 02/2024, I find that Misc. Case No. 02/2024 has been instituted by the respondent nos. 1 to 3 with following prayer(s):-

“It is therefore that your honour may kindly be pleased to admit this misc. case call for the records of the T. Suit No. 125/2008 and after hearing the parties be pleased to review the order dated 23.11.2023 as passed by the learned Civil Judge 2nd Patna City in T. Suit No. 125/2008 and accordingly expunge the sentences “though applicants can’t be considered as partners because it will be contrary of Partnership Acts” from the 2nd line of para no. 4 and the sentences “and not considered as partners of the firm” from 3rd line of para 5 of the order dated 23.11.2023 in the ends of justice.”

2. Obviously, the instant Interlocutory Application has been filed with wrong averment that the respondents have filed an application for addition of their names as legal heirs instead of partner in terms of Partnership Act.

3. For making wrong statement in paragraph no.3 of the Interlocutory Application, I.A. No. 01 of 2024 is rejected.

Re:- C. Misc. No. 1246 of 2023

4. Mr. Manager Sah, learned counsel appearing on behalf of the petitioner seeks permission to withdraw the present



petition.

5. Permission is accorded.

6. Accordingly, the present petition is dismissed as
withdrawn.

(Arun Kumar Jha, J)

Amrendra/-

U			
---	--	--	--

