

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.102 of 2024

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1. Sadan Kumar Son of Late Vindeshwari Singh Resident of Village Kayampur, P.S. Khushrupur, District-Patna.
 2. Satyendra Kumar Son of Late Vindeshwari Singh Resident of Village Kayampur, P.S. Khushrupur, District-Patna.
 3. Santosh Kumar Son of Late Vindeshwari Singh Resident of Village Kayampur, P.S. Khushrupur, District-Patna.
 4. Pramila Devi Wife of Late Vindeshwari Singh Resident of Village Kayampur, P.S. Khushrupur, District-Patna.

... .. Petitioner/s

Versus

1. Most Pinki Devi Wife of Late Madan Kumar Resident of Village Kayampur, P.S. Khushrupur, District-Patna.
2. Kaushal Kumar Son of Late Madan Kumar Resident of Village Kayampur, P.S. Khushrupur, District-Patna.
3. Sneha Kumari Daughter of Late Madan Kumar through her Natural Guardian and Mother Pinki Devi,
4. Aman Kumar Son of Late Madan Kumar through her Natural Guardian and Mother Pinki Devi,
5. Shalini Priya Daughter of Late Madan Kumar, Wife of Sri Bipin Kumar Resident of Village Kayampur, P.S. Khushrupur, District Patna, Presently residing at Village Mushari, P.S. Harnaut, District Nalanda.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arjun Kumar, Advocate
For the Opposite Party/s : Mr. Durgesh Nandan, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 05-09-2024 Heard Mr. Arjun Kumar learned counsel for the petitioners and Mr. Durgesh Nandan representing the respondents.

2. The present application has been preferred for grant of the following relief/s:-

“(i). For issuance of direction to transfer the Title Partition Suit No. 111 of 2022 (Most. Pinki Devi and others vs. Sadan Kumar and others) from the Court of Munsif,



BiharSharif at Nalanda to the Court of Munsif, Patna City, District Patna under Section 24 of the Code of Civil Procedure, 1908 as the present suit has been filed for malafide intention to get undue benefit of the approached to the court;

(ii) For the issuance of any other appropriate order/(s)/direction/(s)/ which your Lordships may deem fit and proper in the present facts and circumstances of the case.”

3. Both the parties are family members inasmuch as the father of the respondents, late Madan Kumar is brother of petitioner nos. 1 to 3. The lands are situated in the district of Nalanda under different Police Stations as also in the district of Patna for which a **Titile Suit No. 111 of 2022 (Most. Pinki Devi and others vs. Sadan Kumar and others)** is pending before the Court of learned Munsif, BiharSharif at Nalanda.

4. The present petition has been filed by the petitioners who are defendants in the said suit with the prayer that the husband of the respondent no. 5 is a lawyer in the said Court and he is creating trouble whenever there is an appearance of the defendants. He has brought in number of FIRs instituted as also the photographs to show the assault that has occurred during the pendency of the suit.

5. A notice was issued whereafter the respondents have



appeared and Mr. Durgesh Nandan learned counsel representing them, submits that same is the situation with the petitioners and in case, the respondents visit their place they may lose their lives.

6. After much deliberation both the parties came to an agreement that the matter be transferred before the competent Civil Court Patna, where both of them are comfortable, this being the State capital.

7. As the parties have come to an agreement for shifting of the case to the competent Civil Court Patna, let the files of Title (Partition Suit No. 111 of 2022) (Most. Pinki Devi and others vs. Sadan Kumar and others) pending before the Court of Munsif, Biharsharif at Nalanda and/or any Court of the said Civil Court Nalanda, be forthwith transferred to the Civil Court Patna to be placed before the learned District Judge, Patna for it being assigned to an appropriate Court.

8. The present petition (MJC No. 102 of 2024) stands disposed of.

(Rajiv Roy, J)

Ankit Kumar/-

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