

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.3 of 2019

In
CIVIL MISCELLANEOUS JURISDICTION No.1114 of 2018

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Ram Khashtri Prasad Mahto @ Ram Khashtri Singh s/o Raghu Rai Mahto @
Raghuraj Singh Resident of Village-Mangalpur,P.S. Nautran,P.O. Mangal
Bazar,Dist.-East Champaran

... .. Petitioner/s

Versus

1. Dwarika Prasad Singh and Ors S/o Late Raghuraj Prasad Mahto @ Raghuraj Singh Resident of Village-Mangalpur Gudarana,P.O. Mangalpur Bazar,P.S. Nautan,Dist.-West Champaran
2. Most Brij Rajo Kuar W/o Late Yogendra Singh Resident of Village-Mangalpur Gudarana,P.O. Mangal Bazar,Dist.-West Champaran
3. Kaushalya Devi W/o Shankar Singh Resident of Village-Sipah Khash,P.S. Parsurampur,P.S. Darauli,Dist.-Gopalganj
4. Matesari Devi W/o Dinanath Singh Resident of Dokania,P.S. Manjholia,Dist.-West Champaran

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : None
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 24-04-2025 No one appears on behalf of the petitioner.

2. The petition has been filed for:-

*“review application has been filed for
review of the order dated 05.11.2018 passed in
Civil Miscellaneous No. 1114/2018 by Hon’ble
Mr. Justice Prabhat Kumar Jha by which said
Civil Miscellaneous petition has been dismissed.”*

3. The short order dated 05.11.2018 passed in Civil
Miscellaneous Jurisdiction No. 1114 of 2018 reads as follows:-



“Heard the learned counsel for the petitioner.

The petitioner has filed this Civil Misc. petition against the order dated 23.11.2017 passed in Partition Suit No. 221 of 2012 by learned Sub Judge-I, West Champaran, Bettiah by which the learned Sub Judge rejected the petition of the petitioner filed under Section 10 of the Code of Civil Procedure to stay the further proceeding of Eviction Suit No. 138 of 1995 pending in the court of learned Sub Judge-III, West Champaran, Bettiah.

The learned counsel for the petitioner submits that in both the suits the parties are same and the issues are also same but it appears from perusal of the order impugned that in both suits different properties are sought to be partitioned. In partition suit No. 221 of 2012 the plaintiff sought partition of



schedule-I property being legal heir of Ram Khelawan Singh whereas in partition suit No. 138 of 1995 plaintiff sought partition of the property and claimed half share in the property of Bharosi Mahto.

In this view of the fact, I find that the learned Sub Judge has rightly dismissed the petition of the petitioner for stay of further proceeding of Title Suit No. 138 of 1995. Accordingly, this Civil Misc. petition is dismissed as devoid of any merit.

4. This Court does not find any point in the petition to review the said order. However, since there is no appearance on behalf of the petitioner, the petition stands dismissed for non prosecution.

(Rajiv Roy, J)

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