

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.728 of 2025

Manoj Kumar Giri, Son of Late Balram Giri, Resident of Village-Dumaria,
P.S. Bagaha, District- West Champaran.

... .. Petitioner/s

Versus

1. Manu Kumari Giri Son of Late Balram Giri Resident of Village- Dumaria, P.S. Bagaha, District-West Champaran and Communication address Q.No.386/ type-2 Sector-4 Timarpur, Delhi 54 PIn Code-110054, Delhi.
2. Most. Kishori Devi W/o Late Balram Giri Resident of Village- Dumaria, P.S. Bagaha, District-West Champaran Communication address Q. no. 386 Type-2 Sector no.4 Timarpur Delhi-54 Pin Code-110054 Delhi
3. MOst. Mira Giri W/o Late Narendra Kumar Giri Resident of Village- G.K. Tower, 19 Camac Street Kolkata, West Bangal Pin Code-700017.
4. Manju Giri W/o Bellabha Charya Giri Resident of Village-Parasiya P.S. Nawal Parasi, Nepal.
5. Most. Maya Giri W/o Late Mukesh Bharati Resident of Village-Dudhara P.O. Gandash Burjag P.S. Uttraula District- Balrampur U.P.
6. Madhu Puri W/o Shri Krishna Puri Resident of Village-Jiwdhara Chauk P.S. Jiwadhara District-East Champaran.
7. Meena Puri W/o Sri Vimleswar Puri R/o 4/152 Janki Puram Vistar Lucknow UP-226031.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Chandra Kant, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 22-07-2025

The record taken up on mentioning being made on
behalf of the petitioner.

2. Heard learned counsel for the petitioner.

3. The petitioner is aggrieved by the order dated
07.03.2024 passed by the learned Sub Judge (Senior Division)-
III, Bagaha, West Champaran in Partition Suit No. 95/2016



whereby and whereunder the application filed by the petitioner seeking permission of the court to sell a plot of land has been refused.

4. Perusal of impugned order shows the land for which permission to sell has been sought, is not the part of the land mentioned in the schedule of the plaint.

5. The learned counsel for the petitioner submits that though the petitioner has wrongly mentioning *khata* number as 624 in place of *khata* number as 365, in the rejoinder, the respondents have mentioned the correct *khata* number.

6. Be that as it may, since the learned trial court approached the matter keeping this fact in consideration that the plot for which permission has been sought to sell is not the part of the schedule of the suit property, unless the learned trial court has occasion to consider the matter even on this aspect, this Court would not like to interfere with the impugned order and cannot allow the petitioner to take advantage of his own wrong.

7. Faced with the situation, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to approach the learned trial court by filing proper application mentioning correct description of the land for which permission for sale has been sought.



8. Permission is accorded.

9. Accordingly, the present petition is dismissed as withdrawn with liberty to the petitioner to approach the learned trial court by filing proper application with correct description of the property and when such application is filed, it would be disposed of on its own merit strictly in accordance with law.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	22.07.2025
Transmission Date	NA

