

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1137 of 2024

1. Mohan Pathak @ Mohan Kumar Pathak Sons of-Late Suresh @ Suresh Pathak @ Gobardhan Pathak Resident of village and Post and P.S. - Kuchaikote, District- Gopalganj
2. Prem Pathak @ Prem Kumar Pathak Sons of-Late Suresh @ Suresh Pathak @ Gobardhan Pathak Resident of village and Post and P.S. - Kuchaikote, District- Gopalganj
3. Om Prakash Pathak Sons of-Late Suresh @ Suresh Pathak @ Gobardhan Pathak Resident of village and Post and P.S. - Kuchaikote, District- Gopalganj
4. Diwakar Kumar Pathak Son of Mohan Pathak @ Mohan Kumar Pathak Resident of village and Post and P.S. - Kuchaikote, District- Gopalganj

... .. Petitioner/s

Versus

1. Geeta Devi Wife of - Sanjay Kumar Pandey @ Pappu Pandey Resident of Village Amwa, Post Nechua Jalalpur, P.S. - Kuchaikote, District - Gopalganj, PIN - 841503.
2. Kalindi Devi wife of- Mohan Pathak @ Mohan Kumar Pathak Resident of Resident of village and Post and P.S. - Kuchaikote, District- Gopalganj
3. Diwakar Kumar Pathak Son of Mohan Pathak @ Mohan Kumar Pathak Resident of Resident of village and Post and P.S. - Kuchaikote, District- Gopalganj
4. Rahul Kumar Pathak Son of Prem Pathak Resident of Resident of village and Post and P.S. - Kuchaikote, District- Gopalganj
5. Piyush Kumar Pathak Son of - Prem Pathak Resident of Resident of village and Post and P.S. - Kuchaikote, District- Gopalganj
6. Naveen Kumar Pathak Son of-Om Prakash Pathak Resident of Resident of village and Post and P.S. - Kuchaikote, District- Gopalganj
7. Ankit Kumar Pathak Son of-Om Prakash Pathak Resident of Resident of village and Post and P.S. - Kuchaikote, District- Gopalganj
8. Munna Devi Wife of Om Prakash Dubey Resident of Village Jalalpur, Post Nechua Jalalpur, P.S. - Kuchaikote, District - Gopalganj.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Kumar Pandey No.5, Advocate Mr. Gyanu Raj, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-07-2025

Record taken up on mentioning being made on behalf



of the petitioners.

02. Heard the learned counsel for the petitioners.

03. The present petition has been filed against the order dated 08.07.2024 passed by the learned Sub Judge-IV, Gopalganj in Partition Suit No. 664 of 2014 whereby and whereunder the learned trial court allowed the petition dated 23.02.2024 filed by the plaintiff/respondent no. 1 under Order VI, Rule 17 of the Code of Civil Procedure, subject to cost.

04. After some argument, learned counsel for the petitioners seeks permission to withdraw the present petition while seeking liberty to file additional/amended written statement and the learned counsel submits that while allowing the amendment application, the learned trial court has not granted any opportunity to the defendants/petitioners to rebut the contention of the plaintiff/respondent no. 1, brought in the plaint through amendment application, by filing additional/amended written statement.

05. Permission is accorded.

06. In the light of submission of learned counsel for the petitioners and considering the fact that the petitioners have not been granted any opportunity to rebut the claim of the plaintiff/respondent no. 1 brought on record through



amendment, the learned trial court is directed to grant ample opportunity to the petitioners to file additional/amended written statement.

07. Accordingly, the present petition stands disposed of as withdrawn with the aforesaid observation.

(Arun Kumar Jha, J)

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