

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1395 of 2023
In
CIVIL MISCELLANEOUS JURISDICTION No.797 of 2017

1. Ashok Kumar Son of Late Adya Prasad, Resident of Village - Khedalpura, P.O. and P.S. - Bihta, District - Patna, Bihar.
2. Shiv Chandra Kumar, Son of Late - Adya Prasad, Resident of Village - Khedalpura, P.O. and P.S. - Bihta, District - Patna, Bihar.
3. Bijendra Kumar, Son of Late - Adya Prasad, Resident of Village - Khedalpura, P.O. and P.S. - Bihta, District - Patna, Bihar.
4. Satendra Kumar, Son of Late - Adya Prasad, Resident of Village - Khedalpura, P.O. and P.S. - Bihta, District - Patna, Bihar.

... .. Appellant/s

Versus

1. Kundala Devi Wife of Late - Rameshwar Prasad and D/o Late- Krit Narayan Rai @ Krit Gope, Resident of Mohalla - Chakaram, P.O. - G.P.O., P.S.- Budha Colony, Patna.
2. Vijay Kumar @ Bijay Kumar, Son of Late- Rameshwar Prasad, Resident of Mohalla - Chakaram, P.O. - G.P.O., P.S.- Budha Colony, Patna.
3. Ajay Kumar, Son of Late - Rameshwar Prasad, Resident of Mohalla - Chakaram, P.O. - G.P.O., P.S.- Budha Colony, Patna.
4. Sanjay Kumar, Son of Late - Rameshwar Prasad, Resident of Mohalla - Chakaram, P.O. - G.P.O., P.S.- Budha Colony, Patna.
5. Laxman Rai, Son of Late - Rikhi Rai and Late Girja Devi, Resident of village - Bhatheri, P.O. - Bank, P.S.- Maner, District - Patna.
6. Ramjee Rai, Son of Late- Rikhi Rai and Late Girja Devi, Resident of village - Bhatheri, P.O. - Bank, P.S.- Maner, District - Patna.
7. Ramesh Kumar, Son of Late- Niroha Rai, Resident of village - Hassanpura, P.O. - Bedauli, P.S. - Bhagwanganj, District - Patna.
8. Ganesh Kumar, Son of Late- Niroha Rai, Resident of village - Hassanpura, P.O. - Bedauli, P.S. - Bhagwanganj, District - Patna.
9. Tarkeshwer Prasad @ Gupta Son of Late - Sri Kishun Rai, R/o Village - Mokinpur (Haspura), P.O. and P.S. - Dulhin Bazar, District - Patna.
10. Raj Kumar Rai, Son of Sri Chandrama Rai, Resident of village - Hassanpura, P.O. - Bedauli, P.S. - Bhagwanganj, District - Patna.
11. Ram Singhashan Rai, Son of Sri Chandrama Rai, Resident of village - Hassanpura, P.O. - Bedauli, P.S. - Bhagwanganj, District - Patna.
12. Lalti Devi, Wife of Late - Sudarshan Rai, X
13. Manoj Kumar, son of Late - Late - Sudarshan Rai, Minor and Under Guardianship of his mother and natural guardian Sita Devi.
14. Bhuri Kumari, Daughter of Late - Sudarshan Rai, Minor and Under Guardianship of her mother and natural guardian Sita Devi.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr.Ravi Kant Kumar, Advocate
For the Respondent/s : Mr.



**CORAM: HONOURABLE THE CHIEF JUSTICE
and
HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

(Per: HONOURABLE MR. JUSTICE PARTHA SARTHY)

4 07-01-2025 The instant appeal under Clause 10 of the Letters Patent of this Court has been preferred against the order dated 13.10.2023 passed in Civil Miscellaneous no. 797 of 2017 which was an application under Article 227 of the Constitution of the India.

2. The office has raised an issue with respect to the maintainability of the appeal, in view of the judgment of this Court in the case of Nirmal Tiwary vs. State of Bihar & Ors. [2013 (1) PLJR 800].

3. Having heard learned counsel for the parties and having perused the records of the case, in view of the judgment in the case of Nirmal Tiwary (supra), this appeal is held to be not maintainable.

4. The appeal is dismissed.

(K. Vinod Chandran, CJ)

(Partha Sarthy, J)

Harsh/-

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