

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19268 of 2019

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1. Sarita Kunwar W/o Late Ram Vilas Chaurasia Resident of Kila Mohall-Madar Darwaja, Sasaram, P.S. Sasaram Town, District- Rohtas
 2. Priyanka Kumari D/o Ram Vilas Chaurasia Resident of Kila Mohall-Madar Darwaja, Sasaram, P.S. Sasaram Town, District-Rohtas

... .. Petitioner/s

Versus

1. The State of Bihar through the District Magistrate, Rohtas at Sasaram
2. The District Magistrate Rohtas at Sasaram
3. The Circle Officer Sasaram, Rohtas
4. The S.P. Rohtas, Sasaram
5. The Bhagwan Prasad Chaurasia Son of Late Ram Narayan Chaurasia Resident of Kila Mohalla, Madar, Darwaja, Sasaram, P.S. Sasaram Town, Distt-Rohtas
6. Kanchan Prasad Chaurasia Son of Bhagwan Prasad Chaurasia Resident of Kila Mohalla, Madar, Darwaja, Sasaram, P.S. Sasaram Town, Distt-Rohtas
7. Ranjan Prasad Chaurasia Son of Bhagwan Prasad Chaurasia Resident of Kila Mohalla, Madar, Darwaja, Sasaram, P.S. Sasaram Town, Distt-Rohtas
8. Chandan Prasad Chaurasia Son of Bhagwan Prasad Chaurasia Resident of Kila Mohalla, Madar, Darwaja, Sasaram, P.S. Sasaram Town, Distt-Rohtas
9. Pushpa Kumari D/o Rama Shankar Chaurasia, C/o Bhagwan Prasad Chaurasia Resident of Kila Mohalla, Madar, Darwaja, Sasaram, P.S. Sasaram Town, Distt-Rohtas

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Radha Mohan Pandey, Advocate Mr. Chandra Shekhar Verma, Advocate
For the State	:	Mr. Md. Khurshid Alam, AAG-12

CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 10-03-2026 Heard the parties.

2. The present writ application has been filed against the order dated 24.04.2018 passed in Title Suit No. 373 of 2004 by the learned Subordinate Judge-V, Rohtas at Sasaram, whereby the learned Trial Court has dismissed the suit as not



maintainable.

3. Learned counsel for the petitioners submits that the petitioners were the plaintiffs before the learned court below and had instituted the aforesaid suit for declaration of their half share in the suit property described in Schedule 'Ka', along with costs of the suit and other ancillary reliefs. It is further submitted that pursuant to an amendment allowed vide order dated 10.03.2010, two additional reliefs were incorporated in the plaint, namely, a declaration that Most. Sarita Kunwar is the legally wedded wife of late Ramvilas @ Ram Vilas Chaurasia, and a declaration that the award passed in Case No. 433 D of 2003 (Puspa Kumari vs. Bhagwan Prasad Chaurasia), on the basis of compromise between the parties, is not binding upon the petitioners. Learned counsel for the petitioners fairly submits that in respect of the aforesaid reliefs, particularly regarding the marital status of Most. Sarita Kunwar and the claim for half share in the property in-question, the present writ application may not be an appropriate remedy. He further submits that in view of the order dated 27.04.2010 passed by the Division Bench of this Court in ***Durga Devi vs. Vijay Kumar Poddar and Others and other analogous cases***, reported in **2010 (2) PLJR 954**, the petitioners seek permission to withdraw



the present writ application with liberty to challenge the impugned order dated 24.04.2018 passed in Title Suit No. 373 of 2004 by the learned Subordinate Judge-V, Rohtas at Sasaram by filing a Civil Revision application before the appropriate forum in accordance with law.

4. Considering the aforesaid submissions, the present writ application is disposed of as withdrawn, with liberty to the petitioners to file an appropriate application against the impugned order dated 24.04.2018 passed in Title Suit No. 373 of 2004 by the learned Subordinate Judge-V, Rohtas at Sasaram.

5.It is made clear that the time consumed in prosecuting the present proceedings shall be excluded for the purpose of limitation.

(Khatim Reza, J)

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