

In the Court of Sukul Ram, Sub-Judge Cum ACJM, Narkatiaganj

Partition Suit No. 60/2018

Tunnu Giri.....Plaintiff

V/S

Mukesh Giri & Others.....Defendants

<u>DATE</u>	<u>ORDER</u>	<u>REMARKS</u>
28.01.2026	<p>Both parties file their attendances. A petition dated 03.02.2021 has been filed on behalf of the Plaintiff under Order 01 Rule 10 of C.P.C. which is fixed for order today on 28-01-2026.</p> <p>Learned counsel of the Plaintiff prayed that the admitted case of both the parties that suit land was originally belonged to Dattatrey Giri, who died leaving behind his widow Rampati Kunwar known as Dulhin, three son's Sheshnath Giri, Suresh Chandra Giri and Upendra Giri and one daughter Gita Devi and later on Rampati Kunwar died leaving her heirs named above. The Sheshnath Giri died leaving his widow Malti Devi and three son's and four daughter's who are defendant no. 1 to 7. Suresh Chandra Giri died leaving behind his two son's and five daughter's who are defendant no. 8 to 14. Upendra Giri died leaving his widow Uma Devi and one son (plaintiff) and four daughter's who are defendant no. 15 to 18. Gita Devi is also died during the pendency of suit and leaving behind her husband and two son's and one daughter who are made party as defendant no. 19 to 19 C. Due to typing mistake Most. Malti Devi, w/o Late Sheshnath Giri and Most. Uma Devi w/o Late Upendra Giri are not made party is this suit and for the purpose of partition, Most Malti Devi and Most Uma Devi are necessary party for the proper adjudication of this suit. It is therefore, prayed that be pleased enough to allow them to be defendants in this suit for the ends of justice.</p> <p>A rejoinder has been filed by the defendant no. 1, 2, 8 and 9 on dated 06-03-2021 and stated that the petition under reference is not maintainable either in the eyes of law or on the facts of the case. Plaintiff has no right or cause of action to file such petition. Plaintiff has filed this petition of the delay the matter and linger the care to harassing and humiliating these defendants. The plaintiff is coming</p>	

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**Continue
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from the same family and aware from the G.T and despite of the fact plaintiff has not included Most. Malti Devi and Most. Uma Devi as party of this suit. Plaintiff has not come with clean hand and reason assigned by plaintiff about non-inclusion of above said two persons is not acceptable. It is wrongly said that due to mistake of the typist name of these two persons were left to be included and it is not acceptable. It is therefore, prayed that be pleased to accept the rejoinder filed in these defendants and be further pleased to reject the petition filed by plaintiff.

Heard the learned counsel for both the parties and perused the record. From perusal of the record it appears that the record has been fixed for order on the petition of the plaintiff dated 03.02.2021 and plaintiff stated that due to typing mistake Most. Malti Devi, w/o Late Sheshnath Giri and Most. Uma Devi w/o Late Upendra Giri were not made party in this suit and for the purpose of partition, Most Malti Devi and Most Uma Devi are necessary party for the proper adjudication of this suit. So, allow them to be defendants in this suit for the ends of justice. From perusal of record, it appears that Malti Devi, w/o Late Sheshnath Giri and Most. Uma Devi w/o Late Upendra Giri are necessary party in this suit. Therefore, in the interest of justice, the petition of the plaintiff dated 03.02.2021 is hereby allowed and plaintiff is directed to add the name of Malti Devi, w/o Late Sheshnath Giri and Most. Uma Devi w/o Late Upendra Giri as defendants in this plaint in accordance with law.

Put up on 10-03-2026 for further action.

Dictated

Sub-Judge-I

Narkatiyaganj