

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.87 of 2013

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1. Bholi Devi Wife Of Sri Dinesh Poddar Resident Of Benta Chowk, P.S. Laheriasarai, District Darbhanga
 2. Dinesh Poddar Son Of Late Parmeshwar Poddar Resident Of Benta Chowk, P.S. Laheriasarai, District Darbhanga
 3. Kanhaiya @ Kanhaiya Poddar Son Of Late Indradeo Poddar, Husband Of Munni Devi (Since Dead) Resident Of Benta Chowk, P.S. Laheriasarai, District Darbhanga
- Defendants/Petitioners.**

Versus

Smt. Dr. Aruna Kumari Wife Of Dr. Birendra Kumar Singh Resident Of Mohalla Benta, P.S. Laheriasarai, District Darbhanga , Through Her Attorney Dr. Birendra Kumar Singh, Son Of Late Ram Lakhan Singh, Resident Of Mohalla Benta, P.S. Laheriasarai, District Darbhanga, By Clint Of Power Of Attorney Dated 8.12.2006

-Plaintiff/Opposite Party.

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

12 30-09-2015

Mr.Md. Imteyaz Ahmed , the learned appearing on behalf of the petitioners, after some argument, has submitted that the present revision application be disposed of with observation that the rights of the parties would abide by the decision in the Title Suit No.288/2011 filed by the petitioner for declaration of his title and confirmation of possession over the suit land.

Mr.J.K.Verma, the learned counsel appearing for



the opposite party, however, has submitted that this revision application has no merit as the findings of fact has been recorded by the courts below on the basis of scrutiny of evidence of the parties that the defendant is in occupation to the suit premises as tenant and the plaintiff has got personal necessity in the same. It has also been pointed out by the learned counsel that the partial eviction has also been considered and decided against the defendant. The learned counsel has further also canvassed that the present revision application is fit to be dismissed and the pendency of the T.S.No.288/2011 would not affect the issue which has been determined in the present suit.

After careful consideration of the matter and submissions on behalf of the parties, it is manifest that the claim of the defendant-petitioners who have asserted their title over the suit premises on the basis of Yadastrnama executed by the original owner has been disbelieved by the court below and the findings have been recorded after appreciation of evidence on record and in accordance with the settled principles of law. The learned court below has also recorded the finding of personal necessity in favour of the plaintiff after deciding the issue of partial eviction.

This Court therefore finds no merit in this revision application, which is accordingly, dismissed. However,

the dismissal of this revision application or the decree passed in the eviction suit would not prejudice the case of either of the parties in the pending T.S.No.288/2011 between the parties.

(V. Nath, J)

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