

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.4471 of 2014

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Smt. Urmila Devi & Anr

.... Petitioner/s

Versus

Paras Nath & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Birendra Narayan Sharma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

- 2 14-12-2015 1. Heard the learned counsel for the petitioner.
2. At the time of hearing of the interlocutory application No.8584 of 2015, the learned counsel for the petitioner submitted that the writ application under Article 227 of the Constitution of India may be heard on merit in admission matter. Accordingly, I heard him on merit in admission matter.
3. By the impugned order dated 27.11.2013 passed by learned Sub Judge Ist, Patnacity in Title Suit No.240 of 2008 rejected the application filed by the defendant petitioner for sending the sale deed dated 13th February, 1950 along with photo stat copy of the said sale deed filed by the petitioner for comparison regarding endorsement on the back of page No.6 on original sale deed of the year 1950.
4. The learned counsel for the defendant petitioner



submitted that the husband of the plaintiff had sold the property by registered sale deed dated 08.05.1997 in favour of the defendant and at that time, photocopy of the sale deed dated 13th February, 1950 was given to the defendant petitioner. In the back of page 6 of this sale deed, the husband of the plaintiff had made endorsement to the effect that he handed over the land to his son for selling the same but by pasting white paper on this said endorsement, the endorsement has been concealed by the plaintiff.

5. Perused the order passed by the Court below dated 27.11.2013. From perusal of the impugned order, it appears that the Court below held that only the sale deed dated 08.05.1997 executed by the husband of the original plaintiff is under challenge. According to the plaintiff, the property is her *stridhan* which has been sold by the husband. In support of the same, she produced the original sale deed dated 13th February, 1950 standing in her name. A photocopy of the said sale deed has been produced by the defendant petitioner and prayed for comparison of the alleged endorsement made on the back of page 6 of sale deed dated 13th February, 1950. The Court below considering these aspects of the matter held that since the sale deed under challenge is dated 08.05.1997 and the petitioner is not challenging any part of the sale deed dated 13th February, 1950, it is not necessary for

examining expert for comparison of alleged endorsement on the back of the sale deed of the year 1950.

6. Admittedly, the sale deed stands in the name of original plaintiff, i.e., wife of vendor of the present petitioner. Therefore, now, the question is whether it is her *stridhan* purchased by herself or it is the property of her husband purchased in her name by the husband, i.e., the question to be decided in the trial.

7. So far the prayer made by the defendant petitioner is concerned, here the correctness or otherwise of the endorsement on the back of the page 6 on sale deed of the year 1950 will not make any difference. Therefore, there is no question of interference of the impugned order in exercise of supervisory jurisdiction arises and thus, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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