

IN THE HIGH COURT OF JUDICATURE AT PATNA

Second Appeal No.176 of 2013

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1. Rajendra Thakur, son of Late Sharma Thakur
 2. Yogendra Thakur, son of Late Sharma Thakur
 3. Jagarnath Thakur, son of Late Sharma Thakur
 4. Vakil Thakur, son of Late Sharma Thakur
 5. Kishori Thakur, son of Late Sharma Thakur
 6. Most. Bijali Kuwar, wife of Late Mangal Thakur
 7. Raj Narayan Thakur, son of Late Mangal Thakur
 8. Ramnath Thakur, son of Late Mangal Thakur
 9. Rudal Thakur, son of Late Mangal Thakur
 10. Ramesh Thakur, son of Late Mangal Thakur
 11. Satan Thakur, son of Late Baburam Thakur

All residents of Village Jadopur Dhukhharan, PS Jadopur, District Gopalganj
..... Plaintiffs Respondents

.... Appellants

Versus

1. Sri Ram Thakur, son of Ramchandra Thakur, resident of Village Jadopur Dhukhharan, PS Jadopur Dhukhharan, District Gopalganj
..... Defendant Appellant Respondent
2. Dhananjay Thakur, minor son of Shri Ram Thakur
3. Rajkumar Thakur, minor son of Sri Ram Thakur
4. Both minors are representative through the guardianship of his mother. Both are residents of Village Jadopur Dhukhharan, PS Jadopur Dhukhharan, District Gopalganj
..... Defendants Respondents

.... Respondents

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Appearance :

For the Appellant/s : Mr. Chandra Kant
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 23-03-2015

Heard Mr. Chandra Kant, learned Counsel appearing for the appellants. Learned Counsel for the other side is also present

2. The suit has been filed by the plaintiffs for declaration of their entitlement to Jajmanika over the villages described in Schedule 2 of the plaint on the basis of Hukumnama dated 3.8.1915 and further for declaration that the defendants have no claim over the said Jajmanika

and for grant of injunction.

3. The plaintiffs have claimed to have obtained the right of Jajmanika on the basis of Hukumnama dated 3.8.1915 granted by Hathua Raj (Ex Landlord). The defendants resisted the claim of the plaintiffs.

4. The appellate court below after scrutinizing the evidence and pleadings of the parties has returned the finding that the Hukumnama dated 3.8.1915 (Ext. 2) is not legal and admissible evidence for the purpose of conferring the entitlement of Jajmanika, as claimed. The reasons assigned by the appellate court below is that the ex landlord could have no right to settle the right of Jajmanika by Hukumnama. It has been further also found that Ext. 1, which was the petition dated 8.6.1915 filed before the Circle Officer, Hathua Raj by Bisheshwar Thakur for grant of right of Jajmanika was also suspicious in view of the fact that Bisheshwar Thakur was dead by that time in view of the entries made in R.S. Khatian (Ext. 3).

5. During the course of argument, learned Counsel for the appellants could not establish the findings of the appellate court below to be unreasonable or perverse in any manner. As such, the finding of fact as recorded by the appellate court below cannot be interfered with in this Second Appeal. No other submission has been made on behalf of the appellants.

6. Ex consequenti, this Court does not find any substantial question of law arising for consideration in this Second Appeal. It is accordingly dismissed.

(V. Nath, J.)

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