

IN THE HIGH COURT OF JUDICATURE AT PATNA

Second Appeal No.632 of 2010

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1. Smt. Ratan Sagar Devi, wife of Late Chandeshwar Singh, resident of Village Basant, Police Station Purnahiya, District Sheohar
 2. Nand Kishore Singh Nandan @ Nand Kishore Nandan, son of Late Chandeshwar Singh, resident of Village Basantpatti, Police Station Purnahiya, District Sheohar
 3. Shiv Chandar Singh
 4. Ramashray Singh @ Haribans Singh, both sons of late Rajnish Singh Resident of Village Basantpatti, Police Station Purnahiya, Anchal Piparahi, District Sheohar

..... Defendant 1st set Appellants

.... Appellants

Versus

1. Sant Prasad Singh, son of Late Kapildeo Singh, resident of Basant Patti, Police Station Purnahiya, District Sheohar
2. Mani Singh
3. Uday Singh, sons of Late Kapildeo Singh, resident of Aduari, Police Station Purnahiya, District Sheohar
4. Shyam Jai Devi, daughter of Late Kapildeo Singh, wife of Bishwanath Singh
5. Ram Chandra Singh, son of Late Jagarnath Singh
6. Sanjiv Singh
7. Rajiv Singh, sons of Ram Chandra Singh
8. Rama Shankar Sharma, son of late Ramagya Sharma, all resident of Basantpatti, Police Station Purnahiya, District Sheohar
9. Manju Devi, daughter of late Ramagya Sharma, wife of Jairoon Khatoon, resident of Village and P.O. and P.S. Bela, District Sitamarhi
10. Bibha Devi, daughter of Late Chandeshwar Singh, wife of Bajrangbali, Village Aduari, Police Station Purnahiya, District Sheohar
11. Sudha Devi, daughter Late Chandeshwar Singh, wife of lalan Singh, resident of Village Chandeli, PS Belsand, District Sitamarhi
12. Rinku Devi, daughter of Late CXhandeshwar Singh, wife of Pankaj Singh, resident of Village Machi, P.S. Belsand, District Sitamarhi
13. Ramagyan Sharma, son of Late Ram Bahadur Singh (deceased)
- 13(i). Govind Sharma
- 13(ii). Arbind Sharma
- 13(iii). Shailendra Sharma
- 13(iv). Ashok Sharma
- 13(v). Mukesh Sharma, all sons of Late Ramagyan Sharma
- 13(vi). Nilu Devi,
- 13(vii). Shobhanhi Devi, all daughters of Late Ramagyan Sharma
14. Ram Udar Singh
15. Ram Uber Singh, sons of Latge Ranjan Singh

All residents of Village & P.S. Purnahiya, District Sitamarhi
..... Plaintiffs..... Respondents

.... Respondents

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Appearance :

For the Appellant/s : Mr. DRONACHARYA
For the Respondent/s : Mr. Uma Kant Shukla

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 08-05-2015

Heard Mr. Dronacharya, learned Counsel appearing on behalf of the appellants. Learned Counsel for the respondents is also present.

2. The defendants in the suit are the appellants in this appeal against the judgment and decree of affirmance.

3. As the facts unfurled, it is pellucid that the core question in the suit was the legality and validity of the gift deed dated 25.2.1983 said to have been executed by Birendra Singh in favour of the defendants for the suit property. Both the parties led evidence on the said issue and after elaborate scrutiny of the pleadings and evidence concurrent finding has been returned by both the courts below against the defendants. It has been held that the gift deed in question is not legally valid and cannot be the basis of the claim of the contesting defendants over the suit property.

4. From the perusal of the judgments of both the courts below it is limpid that the fact has been concluded that the alleged donor Birendra Singh never executed the said gift deed rather the same was admittedly executed by Ravindra Singh but there was no authorization to him by the alleged donor Birendra Singh to execute the gift deed. The defendants in support of the validity of the execution of the gift deed have also not produced evidence in accordance with Section 68 of the Evidence Act.

5. During the course of submission no perversity or

unreasonableness in the findings by both the courts below could be established. Both the courts below further have also found that the plaintiffs are the heirs of Birendra Singh, after his demise.

6. Ex Consequenti, this Court does not find any substantial question of law arising for consideration in this appeal, which is accordingly dismissed.

(V. Nath, J.)

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