

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20787 of 2010

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Ram Nihora Singh son of Ram Bahadur Singh resident of village Mohanpur, P.S. Mufassil, Dist. Begusarai.

.... Petitioner

Versus

1. The State of Bihar through the Collector, Begusarai.
2. The Collector, Begusarai
3. Chandra Kishore Singh
4. Ram Kishore Singh
5. Raj Kumar Singh
6. All sons of Baikunth Bihari Singh.
7. Pramila Devi widow of Raj Kishore Singh
8. Sajjan Singh
9. Mukund Singh
10. Dharmendra Singh
11. All Nos. 7 to 9 are minor sons of late Raj Kishore Singh under guardianship of their mother Pramila Devi.
12. Shri Ram Singh son of Late Ram Sundar Singh
13. Navin Singh son of Shri Ram Singh.
14. All residents of village Chak, P.S. Matihani, Dist. Begusarai.
15. Meera Devi wife of Raj Kishore and daughter of Dropadi Devi resident of village Baghara, P.S. Banori, Dist. Darbhanga.
16. Heera Devi wife of Sunil Singh daughter of Dropadi Devi
17. Resident of village Manjhaul, P.S. cheria, Bariarpur, Dist. Begusarai.
18. Ram Mani Devi wife of Sushil Kumar Singh daughter of Savitri Devi, resident of village Khalishpur, P.S. Sarairanjan, Dist. Samastipur.
19. Badam Kumari Devi daughter of Raj Kishore Singh wife of Prahalad Singh, resident of village Mahsaura, P.S. Lakhisarai, Dist. Lakhisarai.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Singh

For the Respondent/s : Mr. Abhay Shanker Jha Sc9

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

2 07-08-2015 The plaintiff-respondent filed the Title suit no. 226 of 2001. The defendant appeared thereat and filed the application on 5.8.2010 requesting the Court for summoning the report submitted by the Survey Knowing Pleader Commissioner in a

proceeding between the parties initiated under Section 145 of the Cr.P.C. and other documents related thereto. A rejoinder thereto was filed by the plaintiff opposing the said prayer. The trial Court rejected the same. Aggrieved thereby the defendant has filed the writ application.

The evidence or material produced/adduced in 145 of the Cr.P.C. before the trial Court would not be relevant at all for deciding the issue of title raised in the Title Suit. This is obviously for the reason that in a proceeding under Section 145 of the Cr.P.C., the Court is concerned only with possession over the property whereas in the Suit the right, title and interest of the party is decided in the light of the evidence adduced by them. Finding no relevancy of these documents and the application being a ploy to protract the proceeding, the same was rejected. This Court finds no patent illegality in the said order meriting invocation of its discretionary jurisdiction under Article 227 of the Constitution of India.

The application is dismissed.

(Kishore Kumar Mandal, J)

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