

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.46958 of 2012

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1. Baijnath Sao S/O Late Gulabchand Sao Resident Of Village- Karamdih,
P.O.- Gosaidih, P.S.- Nabinagar, District- Aurangabad

2. Mahesh Sao S/O Late Gulabchand Sao Resident Of Village- Karamdih,
P.O.- Gosaidih, P.S.- Nabinagar, District- Aurangabad

.... Petitioner/s

Versus

1. The State Of Bihar

2. Basudeo Ravidas S/O Late Balkeshwar Ravidas Resident Of Village-
Karamdih, P.O.- Gosaidih, P.S.- Nabinagar, District- Aurangabad

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.(Dr.) Leelawati Kumari, Adv.

For the Opposite Party/s : Mr. Binod Kumar-2 (App)

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

2 07-05-2015

Heard counsel for the petitioners and the State.

In this case, petitioners are challenging the order dated 25th March 2008 passed by the Sub-divisional Magistrate, Aurangabad in case No. 2042 of 1996 whereby and whereunder he has declared the possession of Basudeo Ravidas, O.P.No.2. That order was challenged before the court below in Cr. Rev.No. 98 of 2008. Parties are claiming their respective rights over the disputed land.

As has been claimed by the O.P.No.2, he has been residing in the said premises after constructing a house which has been disputed by the other side. Both the courts below have discussed the evidence of the parties and arrived to the conclusion

that the O.P.No.2 is in possession of the disputed land.

Counsel for the petitioners submits that a title suit is already pending with respect to the disputed land.

It is well settled principle of law that a decision of the civil court is ultimate with regard to right, title and possession of the parties. The order will be subject to result of the title suit, if it is filed before the competent court.

There is no merit in this petition. It is accordingly disposed of.

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(Shivaji Pandey, J)