WEB COPY NOT OFFICIAL

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11368 of 2012

==========

UPENDRA MISHRA SON OF LATE MAKESHWAR MISHRA RESIDENT OF VILL.- KISHUNPUR LOUAR @ PANDITPUR, P.O.- PANDITPUR, P.S.- JANTA BAZAR, DISTRICT- SARAN.

.... PETITIONER/S

VERSUS

1. BAGESHWAR TIWARY SON OF SURYADEO TIWARY.
2. AWADH KISHOR PANDEY SON OF NAGINA PANDEY.
3. SHANKAR PRASAD YADAV SON OF INDER PRASAD YADAV.
4. SARVJEET YADAV SON OF DASSI YADAV
5. AKHTAR MIAN SON OF BASHIR MIAN
   ALL ARE RESIDENT OF KISHUNPUR LOUAR @ PANDITPUR, P.O.- PANDITPUR, P.S.- JANTA BAZAR.
6. RAJBALLABH PRASAD SON OF SUKHDEO PRASAD RESIDENT OF VILLAGE- LAHLADPUR, P.S., P.O.- JANTA BAZAR, DISTRICT- SARAN.
7. SAMDEO PRASAD SON OF PRAHLAD PRASAD RAY RESIDENT OF SIRISTAPUR, P.O.- BANPURWA BAZAR, P.S.- JANTA BAZAR, DISTRICT- SARAN
8. BHOLA RAI SON OF SHIVCHANDRA RAI RESIDENT OF VILLAGE- BELHARI, P.O.- TARAIYA, P.S.- TARAIYA, DISTRICT- SARAN
9. TUNTUN PRASAD RAI SON OF KALI RAI RESIDENT OF KHALIYASPUR, P.O.- BANGRA, P.S.- MANJHI, DISTRICT- SARAN
10. BHOLA RAI SON OF BABULAL RAI RESIDENT OF VILLAGE- HARPUR KOTHI, P.S.-JANTA BAZAR, DISTRICT- SARAN
11. SITA DEVI WIFE OF DWARIKA PANDEY
12. DWARIKA PANDEY
13. RADHA SUNDAR DEVI
14. GAUTAM RAI SON OF ……..RESIDENT OF KISHUNPUR LOWER @ PANDITPUR, P.O.- PANDITPUR, P.S.- JANTA BAZAR, DIST.- SARAN
15. NOOR HASAN MIAN SON OF ..... RESIDENT OF KHANPUR LATIF, P.O.- DHANSAR, P.S.- JANTA BAZAR, DISTRICT- SARAN
16. SRI BHAGWAN RAI SON OF ..... P.O.- PANDITPUR, P.S.- JANTA BAZAR, DIST.- SARAN
17. RAJENDRA PANDEY SON OF LATE KANAHAIYA PANDEY.
18. KAMALDEO PANDEY SON OF LATE KANAHAIYA PANDEY
    BOTH ARE RESIDENT OF TELCHHA BAZAR, P.O. + P.S.- JANTA BAZAR, DISTRICT- SARAN
19. NAIMUDDIN MIAN SON OF GARI MIAN
20. ANWAR MIAN
21. NANDLAL RAM SON OF RAM AWATAR RAM
22. HARISHANKAR RAI SON OF SUKHDEO RAY
23. MITHILESH DEVI WIFE OF

24. BILAR RAM SON OF BHIKARI CHAMAR
ALL ARE RESIDENT OF KISHANPUR LOHAR, P.O. & P.S.- PANDITPUR JANTA BAZAR, DISTRICT- SARAN.

.... RESPONDENT/S

==========

Appearance :
For the Petitioner/s : Mr. Shashi Shekhar Tiwary, Adv.
For the Respondent/s : Mr. Umesh Kumar Mishra, Adv.

==========

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

WEB COPY

9 01-12-2015 Heard learned counsel for the petitioner as well as learned counsel representing the respondent.

It is apparent from the relief so sought for by the respondent who happens to be plaintiff before the learned lower court to the effect of cancellation of sale deed having in favour of petitioner/defendant null and void and not binding upon him, then in that event praying for appointment of survey knowing pleader commissioner, happens to be irrelevant. That being so the order impugned dated 15.05.2012 passed in Title Suit No.151 of 1990 by Sub-judge-IV, Saran at Chapra is hereby set aside. Petition is allowed.

(Aditya Kumar Trivedi, J)

PN/-

U			