

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.507 of 2012

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1. Subham Singh @ Somnarayan Singh.

2. Krishna Singh.

Both sons of Late Ganauri Singh, Resident of Village- Dugal, P.O.-
Dugal, P.S.- Kasma, District-Aurangabad.

--Defendants/Appellant/Appellants.

Versus

1. Jagarnath Singh, Son of Late Sukhdeo Singh.

2. Arvind Singh.

3. Ayodhya Singh.

4. Vikash Singh.

Sl.No.2 to 4 are minor son of jagarnath Singh, under the guardian and
next friends and well wishers, all are resident of Village-Dugal, P.O.-
Dugal, P.S.-Kasma, District-Aurangabad.

---Plaintiff/Respondents/Respondents -1st Set.

5. Ravindra Singh.

6. Munna Singh @ Amresh Kumar Singh.

Both are minor son of Som Singh @ Somnarayan Singh, under the
guardianship of natural father.

7. Smt Bindhyachal Devi, daughter of Late Ganauri Singh, resident of
Village-Sarewa, P.S.- Guraru, District-Gaya.

8. Pinku Kumar @ Ajit Kumar , minor son of Krishna Singh.

9. Amit Kumar Singh, minor Son of Krishna Singh under the guardianship
of their father, resident of Village-Dugal, P.S.- Kasma, District-
Aurangabad.

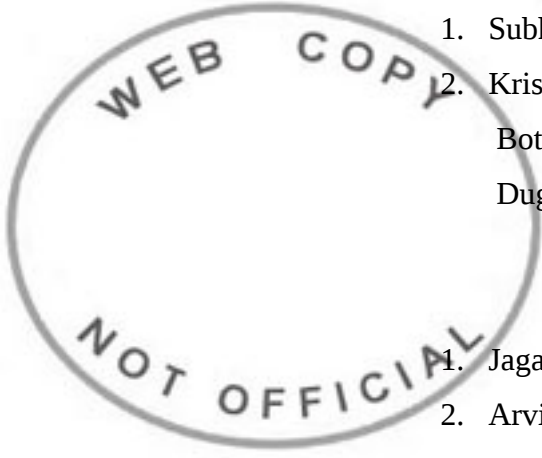
10. Most Kamlawati Kuar @ Dhanwanti Kuar, Wife of Late Anuj Singh,
resident of Village & P.O.-Dugal, P.S.-Kasma, District-Aurangabad.

11. Akhilesh Singh, Son of Keshwar Singh, deceased and husband of
Kamala Devi (deceased)daughter of Late Ganauri Singh, resident of
Village-Paharpura, P.S.-Madanpur, Districvt-Aurangabad.

12. Sambhoo Singh @ Vinay Singh, Son of Akhilesh Singh, Resident of
Village-Paharpura, P.S.-Madanpur, District-Aurangabad.

13. Ram Niwas Singh, Son of Late Chandrika Singh.

14. Satendra Singh.



15. Birendra Singh.

Both are son of Ram Niwas Singh, all are resident of village & P.O.-
Arthva, P.S.-Kasma, District-Aurangabad.

16. Smt Fulen Devi, Wife of Ramchandra Singh, daughter of Sukhdeo
Singh (deceased) resident of Village-Chandauti, P.S.-Chandauti,
District-Gaya.

17. Sarjoo Singh, Son of Kauleshwar Singh (deceased) H/o Sabitri Devi
(deceased), daughter of Late Sukhdeo Singh, Resident of Bagdiha, P.S.-
Guraru, District-Gaya **-Defendants/respondents/Respondents.**

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Appearance :

For the Appellant/s : Mr. Satyendra Narayan Verma

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

5 16-01-2015

Head the learned counsel for the appellants.

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

The plaintiff-respondent filed the suit for partition
of the suit properties. The defendants contested the suit primarily
on the issue that the plaintiff-Jagarnath Singh was not the own
brother of the defendant no.1-Ganauri Singh being son of Sukhdeo
Singh rather it was specific case of the contesting defendant that
Jagarnath Singh was son of one Sheoraj Kahar. Both the courts
below after scrutiny of the evidence adduced on behalf of the
parties returned the finding that Jagarnath Singh was son of
Sukhdeo Singh and full brother of the contesting defendant
Ganauri Singh. The suit was decreed and the appeal thereafter was

dismissed.

The learned counsel for the appellants has submitted that the evidence of the defendant has not been correctly appreciated by both the courts below. The learned counsel has placed the judgments of both the courts below to substantiate his submission.

After considering the submissions and the findings by both the courts below, it is pellucid that the issue regarding the status of Jagarnath Singh as son of Sukhdeo Singh has been determined after elaborate appraisal of oral and documentary evidence of the parties. The submission on behalf of the appellants regarding non-appreciation of evidence in correct perspective cannot be entertained at the second appellate stage unless perversity in any manner in the findings are established. During the course of submissions, no perversity in the findings by both the courts below could be established.

Ex consequenti, there is no substantial question of law arising for consideration in this appeal, which is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

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