

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.978 of 2013

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Smt. Vidya Kumari @ Vidya Devi W/O Shri Akhileshwar R/O Village-
Murgawan, Police Station- Silao, District- Nalanda, At Present Residing At
Flat No. 108, Neelgiri Apartment, Boring Canal Road, Patna

.... Petitioner/s

Versus

1. Kanhaiyajee @ Dayanand Gosai Alleged S/O Late Kameshwar Prasad Singh.
2. Smt. Kiran Sharma W/O Alleged Kanhaiyajee both R/O Village-
Murgaman, Police Station- Silao, District- Nalanda At Biharsharif.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Krishna Kishore Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

5 01-12-2015 Heard the learned counsel for the petitioner and the
learned counsel for the respondent no. 1.

Assailing the impugned order whereby the prayer on
behalf of the plaintiff-petitioner to call for the records from the
post office containing the signature of the respondent no. 1 has
been turned down, the present application under Article 227 of the
Constitution of the India has been filed.

From the plaint of T.S. No. 07 of 2001 which has
been brought on record in the supplementary affidavit, it appears
that the suit has been filed for the relief against the two registered
deeds dated 04.09.1986 in favour of the defendant-respondents. It

has also transpired during the course of submission as well as from the records that another suit was earlier filed by the plaintiff petitioner along with her mother and sisters for declaration that the defendant no. 1 Kanhaiyajee was not the real person and had been claiming as such by impersonation. However, the fact is manifest that in the present suit there is no such relief with regard to the identity of the defendant-respondent no. 1.

From the impugned order also it transpires that the learned court below has rejected the petition filed by the petitioner for calling for the records from the post office for the purpose of verification of the status/identity of the defendant-respondent no. 1 holding that the said question is irrelevant.

After considering the submissions and the facts and circumstances of the case, this does not find any illegality or error of jurisdiction in the impugned order.

The writ application is, accordingly, dismissed.

(V. Nath, J)

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