IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.92 of 2016

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1.Deo Nandan Rai son of Late Vidya Rai,

2. Radhey Chand Rai son of Late Ram Swarath Rai,

3.Satya Narayan Rai son of Late Bipat Rai,

4.Dasharath Rai son of Late Bankey Chand Rai,

Petitioner Nos. 1 and 2 are the Residents of village Dalipchak, Police Station Danapur, District Patna Petitioner No. 3 is resident of village Mubarakpur, Police Station Danapur District Patna and all the petitioners are the residents of village/Mohalla Shahpur, Police Station Shahpur, District Patna.

.... Petitioners/Appellants(Plaintiffs).

Versus

1.Nandu Sao son of Late Lotan Sao,

2.Madan Sao son of nandu Sao,

3.Lalu Sao son of Nandu Sao, resident of Danapur or Danapur Nizamat Municipality Danapur, Police Station Shahpur, District patna.

4.Executive Engineer Tubewell Sub. Division, Minor Irrigation., Patna, West

5.Assistant Engineer, Tubewell Sub. Division, Minor Irrigation, Danapur, Main Office (West) Patna High Court, Central PWD, Building, Patna.

6.Junior Engineer, Tubewell Section, Danapur, Main Office (West) Patna High Court, Central PWD, Building, Patna.

.... Respondent/s

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Appearance :
For the Petitioner/s : Mr. Kameshwar Prasad Sinha, Adv
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT
Date: 08-11-2016

Heard learned counsel for the petitioners on the merits of this revision application as well as I.A. No. 8587 of 2016 which has been filed for stay of the proceeding of appeal before the court

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below.

From the materials on record, it is apparent that the petitioners are the appellants in T.A. No.226 of 2007. It further transpires from the impugned order that the parties have almost completed their arguments in appeal and at that stage the appellant-petitioners filed a petition purported to have been filed under Section 151 C.P.C praying before the court to remand the matter back to the court below in the interest of justice. The said application filed by the petitioners on 03.02.2016 has been brought on record as Annexure-1 to the revision application. The learned court below has dismissed the petition holding the same to be not maintainable. The learned counsel for the petitioners could not satisfy the Court as to when the appeal has been heard on merits how the application praying for remanding the matter back to the court below was maintainable. The application filed in the court below is evidently frivolous and clearly the misuse of the process of the Court. This Court does not find that the appellate court below has committed any error of jurisdiction or material irregularity in passing the impugned order.

The present revision application is dismissed with cost of Rs. 1000/- to be paid by the petitioners to the Patna High Court Legal Aid Cell within a period of two months. The court below is

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directed to proceed in the appeal in accordance with law and dispose it of expeditiously.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	07.12.16
Transmission Date	N.A.

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