

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12812 of 2013

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1. BIGANI DEVI, W/O FAUZDAR RAI, RESIDENT OF VILLAGE - BIJULPUR, P.O. CHINPUR, P.S. TURKAULIYA , DISTRICT - EAST CHAMPARAN
 2. PARAS RAI, S/O BHAGELU RAI, RESIDENT OF VILLAGE - BIJULPUR, P.O. CHINPUR, P.S. TURKAULIYA , DISTRICT - EAST CHAMPARAN.

.... PETITIONER/S

VERSUS

1. BIRENDRA PANDEY, S/O RAM BACHAN PANDEY RESIDENT OF VILLAGE - BIJULPUR, P.O. CHAINPUR, P.S. TURKAULIYA , DISTRICT - EAST CHAMPARAN
2. USHA DEVI S/O LATE ASHOK PANDEY RESIDENT OF VILLAGE - BIJULPUR, P.O. CHAINPUR, P.S. TURKAULIYA , DISTRICT - EAST CHAMPARAN
3. LAL BABU PANDEY S/O LATE YOGENDRA PANDEY RESIDENT OF VILLAGE - BIJULPUR, P.O. CHAINPUR, P.S. TURKAULIYA , DISTRICT - EAST CHAMPARAN
4. GUNGUN KUMAR MINOR SON OF LATE ASHOK PANDEY THROUGH USHA DEVI MOTHER RESIDENT OF VILLAGE - BIJULPUR, P.O. CHAINPUR, P.S. TURKAULIYA , DISTRICT - EAST CHAMPARAN
5. PIYUSH KUMAR MINOR SON OF LATE ASHOK PANDEY THROUGH USHA DEVI MOTHER RESIDENT OF VILLAGE - BIJULPUR, P.O. CHAINPUR, P.S. TURKAULIYA , DISTRICT - EAST CHAMPARAN
6. ANGOLI KUMAR MINOR SON OF LATE ASHOK PANDEY THROUGH USHA DEVI MOTHER RESIDENT OF VILLAGE - BIJULPUR, P.O. CHAINPUR, P.S. TURKAULIYA , DISTRICT - EAST CHAMPARAN
7. UJJAWAL KUMAR MINOR SON OF LATE ASHOK PANDEY THROUGH USHA DEVI MOTHER RESIDENT OF VILLAGE - BIJULPUR, P.O. CHAINPUR, P.S. TURKAULIYA , DISTRICT - EAST CHAMPARAN
8. TRIBHUWAN MISHRA S/ KRIPAL MISHRA RESIDENT OF VILLAGE - BIJULPUR, P.O. CHAINPUR, P.S. TURKAULIYA , DISTRICT - EAST CHAMPARAN
9. SHANKAR MISHRA S/O KRIPAL MISHRA RESIDENT OF VILLAGE - BIJULPUR, P.O. CHAINPUR, P.S. TURKAULIYA , DISTRICT - EAST CHAMPARAN
10. MANDOARI DEVI W/O SHANKAR MISHRA RESIDENT OF VILLAGE - BIJULPUR, P.O. CHAINPUR, P.S. TURKAULIYA , DISTRICT - EAST CHAMPARAN
11. PRABHAWATI DEVI, W/O TRIBHUWAN MISHRA RESIDENT OF VILLAGE - BIJULPUR, P.O. CHAINPUR, P.S. TURKAULIYA , DISTRICT - EAST CHAMPARAN

.... RESPONDENT/S

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Appearance :

For the Petitioner/s : Mr.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR MISHRA

ORAL JUDGMENT

Date: 29-09-2016

Heard learned counsel for the petitioners and the learned counsel for the respondents.

2. This application, filed on behalf of the petitioners, under Article 227 of the Constitution of India, is directed against the order dated 16.12.2011 passed in Title Suit No. 236 of 2001, whereby the learned Sub-Judge-IV, East Champaran, rejected the application dated 06.09.2011 of the plaintiffs-petitioners for comparison of signature of Bacchu Rai on sale deed dated 18.04.1949 said to be executed by Bacchu Rai and Mathura Rai in favour of Sukhdeo Dubey with the signature of Bachhu Rai of sale deed dated 05.08.1968 (Ext.C) executed by him in favour of Banka Thakur.

3. On going through the impugned order, I find that the application dated 06.09.2011 filed on behalf of the plaintiffs-petitioners is rejected by the learned Sub-Judge arriving at conclusion that the sale deed dated 18.04.1949 executed by Bacchu Rai and Mathura Rai in favour of Sukhdeo Dubey, regarding which, the description has already been detailed by the defendants in their written statement but the same has not been disputed by the plaintiffs. The application dated 06.09.2011 filed after much time of filing the

written statement by the defendants.

4. I find no illegality in the impugned order amounting to an abuse of the process of the court for interference in an extraordinary jurisdiction under Article 227 of the Constitution of India.

5. Accordingly, this writ application stand dismissed.

(Rajendra Kumar Mishra, J)

Bhardwaj/-

AFR/NAFR	
CAV DATE	
Uploading Date	03.10.2016
Transmission Date	