

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.102 of 2016

IN

SA 301 of 2013

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Zareena Khatoon @ Margo daughter of late Janab Md. Omer and wife of Md. Jalaluddin Khan resident of Mohalla-Chamra Godam Kanhauli, P.S. Kotwali Town, P.O. and District-Muzaffarpur.

.... Petitioner/s

Versus

1. Sahbojuddin @ Lovely son of late Md. Jalaluddin.
2. Shabana Khatoon @ Daizy.
3. Baby Benazir.
4. Nadra Khatoon @ Disuza, all daughters of late Md. Jalaluddin, all resident of Mohalla-Chamra Godam Kanhauli, P.S. Kotwali Town, P.O. and District-Muzaffarpur.
5. Pawan Kumar Chaudhary.
6. Durgesh Kumar Chaudhary, both sons of Sri Ram Chandra Chaudhary, both residents of mohalla-Kanhauli Bishandatta, B.M.P. 6, P.S. Mithanpura, P.O. Ramma Town, District-Muzaffarpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Naresh Chandra Verma, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 18-05-2016

Heard Mr. Naresh Chandra Verma, learned counsel for the petitioner.

This review application has been filed by the petitioner praying for review of the judgment and order dated 22.12.2015 passed in S.A. No. 301 of 2013.



From the materials on record and after considering the submissions, it transpires that the appellant in S.A. No. 301 of 2013 had filed the suit for declaration of her title and possession over the suit property on the basis of oral gift in her favour by her husband and further for declaration that the two sale deeds executed by her husband (defendant no. 1) in favour of the defendant 2nd set for the suit property were forged, fabricated and without consideration and did not confer any title to the defendant 2nd set. Both the courts below have come to the finding that the plaintiff had failed to establish the case of oral gift, as pleaded. In the second appeal also after hearing the learned counsel for the appellant and considering the submissions as well as the judgments of both the courts below, it has been held that no substantial question of law arises for consideration in the appeal.

Mr. Verma, learned counsel for the petitioner has submitted that the husband of the petitioner died during the pendency of the suit itself and the plaintiff thereafter has become entitled to her share in the suit property belonging to her husband and as such, the suit should not have been dismissed even after holding that the oral gift could not be proved. However, learned counsel has fairly accepted that such submission was never made before the learned courts below and even before this Court in the second appeal when the judgment under review was passed.

After considering the submissions and the materials on record, this Court does not find any error apparent on the face of record or sufficient reason for review of the judgment and order dated 22.12.2015 passed in S.A. No. 301 of 2013.

The review application, is accordingly, dismissed.

(V. Nath, J)

Devendra/-

AFR/NAFR	NAFR
CAV DATE	NA
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