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IN THE HIGH COURT OF JUDICATURE AT PATNA

Second Appeal No.139 of 2011

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Akhilesh Kumar Singh, SON OF Parsuram Singh, resident of Village Barhara, P.S. Charpokhari, District Bhojpur (Ara)

……. Plaintiff …….. Appellant No. 1

.... Appellant

Versus

1. Ravindra Singh
2. Rajendra Singh, sons of Chandrama Singh @ Baleshwar Singh, residents of Village Village Barhara, P.S. Charpokhari, District Bhojpur (Ara)
3. Dinesh Singh, son of Baleshwar Singh
4. Tribhuan Singh, son of Khakhanu Singh, both residents of Village Barhara, P.S. Charpokhari, District Bhojpur (Ara) …. Defendant 2nd Set … Respondent 2nd set
5. Lacho Devi, w/o Shobh Nath Chaudhary, resident of Village Barhara, P.S. Charpokhari, District Bhojpur (Ara) … Defendant 3rd Set … Respondent 3rd set
6. Yugal Kishore Singh, son of Late Rameshwar Singh
7. Brij Kishore Singh
8. Raj Kishore Singh, sons of Late Rajendra Singh
9. Gopal Krishna Singh
10. Hare Krishna Singh
11. Shri Krishna Singh, sons of Late Nag Narayan Singh
12. Mostt. Anupma Kuer, wife of Late Subh Narain Singh, all residents of Village Musepur, P.S. Doriganj, District Chapra (Saran) … Defendant 4th Set …. Respondent 4th set
13. Dinesh Kumar Singh, son of Parsuram Singh, resident of Village Barhara, P.S. Charpokhri, District Bojpur …. Plaintiff No. 2 …. Appellant No. 2

.... Respondents

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Appearance :
For the Appellant/s : Mr. Binod Kumar Singh
For the Respondent/s : Mr. Aditya Narayan Singh

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT
Date: 05-09-2016

Heard Mr. Binod Kumar Singh, learned Counsel appearing for the appellant, and Mr. Aditya Narayan Singh, learned Counsel appearing for the respondents.

2. The plaintiff is the appellant in this appeal against the judgment and decree of affirmance dismissing the suit for partition.

3. The matrix of facts discloses that the suit property originally belonged to the family of Imrit Singh, who had four sons. There had been partition between the four sons, who came in separate and exclusive possession of the property allotted to their share. The plaintiff is the purchaser of the portions of land in the suit Plot No. 368 from the sons of Imrit Singh and their descendents. The defendants are also purchasers of the portion of land in the said plot. The plaintiff filed the suit for partition of his purchased land on the basis that the parties are in possession over the suit land as tenants in common. The contesting defendants denied the assertion of the plaintiff and came out with the case that the parties were in exclusive possession of their purchased lands.

4. Both the courts below have recorded the concurrent findings of fact that the plaintiffs are in exclusive possession of the purchased portion of their land. The suit was dismissed and thereafter the appeal by the plaintiff has also been dismissed.

5. After considering the submissions on behalf of the appellant and perusal of the judgments of both the courts below, it is evident that in para 40 and 41 of his deposition the plaintiff-appellant has admitted that he has purchased the land from his vendor with specific boundary and has also come in possession over the same since after the purchase. It is further also evident that the plaintiff did not support his own case as made in the plaint that sons of Imrit Singh were joint. Both the courts below have recorded findings of fact on the basis of scrutiny of evidence, which were acceptable and could have been relied upon. This Court has not been persuaded to find perversity or unreasonableness in any manner in those findings.

6. Ex consequenti, this Court does not find any substantial question of law arising for consideration in this appeal, which is, accordingly, dismissed.

(V. Nath, J.)

Snkumar/-

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