

IN THE HIGH COURT OF JUDICATURE AT PATNA

Second Appeal No.114 of 2014

=====

U.S.J. Balika Vidyalya (Girls High School), through it's Principal Md. Affan,
Mohalla Juran Chhapra, P.O. Head Office, P.S. Brahampura, District Muzaffarpur.
..... Defendant Respondent

.... Appellant

Versus

1. Niranjan Prasad Verma S/o Late Satya Ranjan Prasad
2. Manoj Kumar S/o Late Satya Ranjan Prasad Resident of Mohalla Juran Chapra,
Road No. 4, P.O. Head Post Office, P.S. Brahampura, District Muzaffarpur.
..... Plaintiffs Appellants
3. The State of Bihar through Collector, Muzaffarpur.
4. The Administrator, Muncipal Corporation, Muzaffarpur. Defendants
..... Respondents

.... Respondents

=====

Appearance :

For the Appellant/s : Mr. Md. Anisur Rahman

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 07-09-2016

Heard Mr. Anisur Rahman, learned Counsel appearing for the
appellant.

2. The appellant is one of the defendants in the suit and has
filed this appeal against the judgment and decree of reversal granting the
decree as prayed by the plaintiffs.

3. From the records it appears that the appellant in the present
appeal is U.S.J. Balika Vidyalaya (Girls High School) through its
Principal. It further appears from the record, including the memo of
appeal of T.A. No. 18 of 2007 which has also been enclosed with the
present memo of appeal, that the defendant No. 1 in the suit was the
State of Bihar and the defendant No. 3 was the Administrator, Municipal
Corporation, Muzaffarpur. It further also transpires from the judgments of

the courts below that the land in dispute has been recorded in the name of the Municipal Corporation, Muzaffarpur in the recent survey. It is also evident that the present appellant did not file any written statement in the suit contesting the statements made by the plaintiffs.

4. The trial court returned the finding against the plaintiffs and dismissed the suit. The appellate court below, however, in appeal by the plaintiffs, on reappraisal of evidence granted the decree as prayed.

5. It appears from the judgment of the appellate court below that findings of fact has been recorded after taking into consideration the submissions made on behalf of the parties as well as the evidence on record. During the course of submission it could not be explained on behalf of the appellant as to why the defendants in whose name the suit property stands have not chosen to file this appeal. It has also not been established as to how the appellant, who is not a title holder of the suit property, can maintain a Second Appeal. On behalf of the appellant, during the submission, it could not be established that the judgment of the appellate court below is perverse.

6. In view of the aforesaid reasons, this Court does not find any substantial question of law arising for consideration in this appeal. This appeal is, accordingly, dismissed.

(V. Nath, J.)

Snkumar/-

AFR/NAFR	
CAV DATE	N/A
Uploading Date	10.11.2016
Transmission Date	N/A