

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.384 of 2013

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1. Dasrath Mahto.
 2. Parshuram Mahto both S/O Late Ram Dahin Mahto both Resident of Village Samar Tola, Purhara, P.O. Samar Tola Purahara, P.S. Sahar (Chouri), District Bhojpur.

.... Appellant/s

Versus

1. Fulkeshri Devi W/O Kesho Mahto.
2. Jagroshni Devi W/O Late Shiojee Mahto.
3. Chandra Kalo Devi W/O Gopal Mahto.
4. Chandrawati Devi W/O Niwas Mahto.
5. Jalim Mahto S/O Ram Sagar Mahto all Resident of Village Samar Tola, Purhara, P.O. Samar Tola Purahara, P.S. Sahar (Chouri), District Bhojpur.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Navin Kumar Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

6 10-03-2016

Heard the learned counsel for the appellants.

The plaintiffs are the appellants in this appeal against the judgment and decree of affirmance dismissing the suit.

The plaintiffs filed the suit claiming a right of preemption against the sale transactions evidenced by the two sale deeds executed by the defendant no. 5 in favour of the defendant 1st set. The plaintiffs also prayed for declaration that the two sale deeds dated 05.04.2004 and 19.06.2004 executed by the defendant no. 5 were not binding upon the plaintiffs. The suit was contested

by the defendants denying the assertions of the plaintiffs.

Both the courts below have concurrently held that the plaintiffs have no right of preemption and the relief as prayed by them also could not be granted as the plaintiffs have omitted to pray for the relief of cancellation of the two sale deeds in question.

The learned counsel for the appellants has failed to point out any substantial question of law arising for consideration in this appeal. The learned counsel has also failed to point out the basis upon which the plaintiffs can legally claim a right of preemption in the facts and circumstances of the case by filing the suit.

After perusal of the judgments of both the courts below, this Court is not persuaded to find any unreasonableness or perversity in the findings recorded by the learned courts below.

Ex consequenti, this second appeal is dismissed as there is no substantial question of law arising for consideration in this appeal.

(V. Nath, J)

Devendra/-

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