

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.133 of 2013

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MD. SHAMSHAD ALI, Son of Late Md. Ali resident of Hajipur, Thana Road, P.S. Khagaria, District Khagaria, At present resident of Mumtaz Mohalla, Ward No. 13, P.O. & P.S. Naugachhia, District Bhagalpur

.... Petitioner.

Versus

ARUN SAH @ BHOLA SAH, Son of Late Harilal Sah, resident of Mohalla Hajipur, P.O. & P.S. Khagaria, District Khagaria.

.... Opposite Party.

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Appearance :

For the Petitioner/s : Mr. PRAVEEN KUMAR

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 03-05-2016

V.Nath, J.

Heard the learned counsel for the petitioner.

The present revision application has been filed questioning the dismissal of the Miscellaneous Case No.04/2011 filed under Section 83 of the Transfer of Property Act by the petitioner. The learned court below has relied upon the report submitted by the Seristaidar raising objection to the maintainability of the said miscellaneous case as the suit for redemption of the mortgage had already stood barred by limitation. The learned court below thereafter has heard the parties and after accepting the objection by the Seristaidar has dismissed the miscellaneous case by the impugned order.

During the course of submissions, learned counsel for the petitioner has accepted that the mortgage deed was executed in

the year 1951 and therefore the Miscellaneous Case No.04/2011 was not maintainable as the suit for redemption of the said mortgage stood barred by limitation.

In view of the aforesaid submissions, this Court therefore, does not find any error of jurisdiction or illegality committed by the court below in passing the impugned order.

The revision application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
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