

IN THE HIGH COURT OF JUDICATURE AT PATNA

Second Appeal No.367 of 1992

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1. Parsuram Yadav.

2. Sri Chand Yadav.

Both sons of Raghu Yadav. Both residents of village-Turi Bagulawar, Pergana
Sonout, Police Station-Belaganj, District-Gaya. Appellants

Versus

1. Satya Narain Singh, Son of Late Ambika Singh.

2. Ramashray Singh.

3. Ramayan Singh.

4. Ram Payare Singh.

5. Raj Kumar Singh , sons of Satya Narain Singh, resident of village-Charhta,
P.S.-Belaganj, P.S.-Tekari, District-Gaya.

6. Surajdeo Singh, Son of name not known. Surajdeo Singh has been substituted in
place of late Mani Devi who was respondent no.5 in the court below.

7. Naresh Sharma.

8. Dinesh Sharma.

Both Sons of Surajdeo Singh.

All residents of village-Rasalpur, P.S.-Tekari, District-Gaya.

9. Sitapati Devi, Wife of Awadhesh Singh and daughter of Late Mani Devi,
resident of village-Charaiti, P.S.-Tekari, District-Gaya.

10. Priti Devi, Wife of Baiju Sharma and daughter of Late Mani Devi, resident of
village-Bishunpur, P.S.-Kurtha, District-Jehanabad.

11. Sita Ram Singh, Son of Late Surajdeo Singh and has been substituted in place
of Late Dhani Devi who has respondent no.6, resident of village-Rasalpur, P.S.-
Tekari, District-Gaya.

12. Smt. Lakshmi Devi, Wife of Mundrika Singh.

13. Jwala Singh, Son of Jhalak Singh.

14. Sheo Balak Sharma.

15. Mamta Devi, daughter –Both son and daughter of Jwala Singh, residents of
village-Dhibri, P.S.- Kurtha, District-Gaya.

16. Smt. Kunti Devi, Wife of Ram Jatan Singh.

17. Smt. Tulsi Devi, Wife of Kamta Singh.

Both residents of village-Hazampur, P.S.-Kurtha, District-Gaya.



18. Smt. Jaishri Devi, Wife of Muneshwar Singh, resident of village-Mansa Bigha,
P.S.-Khijarsarai, District-Gaya.
19. Sita Ram Sharma.
20. Jai Ram Sharma.
21. Baliram Sharma.
22. Binod Sharma.
23. Most.Putli Devi, Wife of Late Manoj Sharma, Resident of Village-Fatehpur,
P.S.-Belaganj, District-Gaya.
24. Narain Devi @ Ram Sanhari Devi, Wife of Hardwar Singh, Resident of
Village-Makhunpur, P.S.-Tekari, District-Gaya.
25. Rama Mani Devi.
26. Urmila Devi.
Both daughters of Girija Singh.
27. Girija Singh, Son of Late Ramdhari Singh.
All resident of village-Fatehpur, P.S.-Belaganj, District-Gaya.... Respondents

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Appearance :

For the Appellant/s : Mr. RAVI NATH VERMA
Mr. Mallika Mazumdar, Adv.
Mr. Bishwanath Choudhary

For the Respondent/s : Mr. RANJIT PD.SINGH
Mr. Dhruv Kumar Singh
Mr. .
Mr. .
Mr. .
Mr. .

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT
Date: 10-11-2016

Heard Ms. Mallika Mazumdar, learned counsel
appearing for the appellants.

The defendant 1st set in the suit are the appellants
in this appeal against the judgment and decree of reversal.

The plaintiff filed the suit for declaration that the



defendant 1st set had not acquired right, title and interest over the suit land on the basis of the sale deed executed by the defendant 2nd set which were wholly void, inoperative and not binding upon the plaintiff. The plaintiff claimed the suit land on the basis of the compromise decree passed in T.S.No. 51/1969 and had alleged that the defendant 2nd set has fraudulently alienated the suit property to the defendant 1st set without any right, title and interest over the same. The suit was contested by the defendant 1st set who denied the assertions of the plaintiff.

The trial court returned the findings on the issues against the plaintiff and dismissed the suit. The appellate court below, however, on reappraisal of evidence has reversed the findings by the trial court, allowed the appeal and set aside the judgment and decree passed by the trial court.

Ms. Mallika Mazumdar, learned counsel appearing for the appellants, after some argument, has accepted that the findings of fact recorded by the appellate court below regarding the validity of the compromise decree passed in T.S.No.51/1969 between the parties has been recorded on the basis of appreciation of evidence. During the course of submission on behalf of the appellants, no perversity or unreasonableness in the findings by the appellate court below could be shown or established.



After considering the submissions and perusal of the judgments of both the courts below, it is manifest that the finding of facts has been recorded by the appellate court below that the suit property which has been transferred by the defendant 2nd set in favour of defendant 1st set was in fact the property allotted to the plaintiff in the compromise decree passed in T.S.No.51/1969. The validity of the said compromise decree has been considered by the appellate court below on the basis of evidence adduced on behalf of the parties and the conclusion has been recorded that the said compromise was perfectly legal and valid. Sequentially, it has also been held by the appellate court below that the sale deed by the defendant 2nd set in favour of the defendant 1st set with regard to the suit land was illegal and void. This Court does not find any vulnerability in the findings of fact as recorded by the appellate court below.

As no other submission has been made on behalf of the appellants, this Court comes to the conclusion that the issues between the parties are concluded by the findings of fact and there is no substantial question of law arising for consideration in this appeal, which is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

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