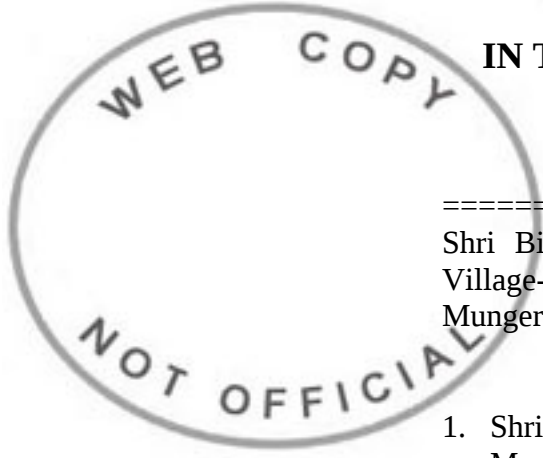




IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4192 of 2014
In
Civil Review No. 187 of 2013

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Shri Bindeshwari Yadav Son of Late Nageshwar Yadav, Resident of Village-Heru Diyara, P.O. Heru Diyara, P.S.-Kasim Bazar, District-Munger.

.... Petitioner/s

Versus

1. Shri Rai Bahadur Dalip Narain Singh Trust Estate, Munger, through its Managing Trustee Shri Narain Singh, Son of Late Raghubar Narain Singh, Resident of Uddiyan, Dalip Mahal, Mohalla Purab Sarai, P.O.-Munger, P.S.-Kotwali, District-Munger.
2. Deo Narain Yadav @ Peshkar @ Deo Nandan Yadav Son of Late Budhu Yadav
3. Manoj Yadav Son of Sri Deo Narain Yadav
4. Saroj Yadav Son of Sri Deo Narain Yadav All Residents of Village-Heru Diyara, P.O.-Heru Diyara, P.S.-Kasim Bazar, District-Munger.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv.

For the Respondent/s : Mr. Kumar Uday Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

5 23-11-2016

Re.: M.J.C. No. 4192 of 2014

The present M.J.C. application has been filed on behalf of the review petitioner seeking restoration of Civil Review No. 187 of 2013, which stood dismissed for want of prosecution by an order dated 9.10.2014.

After having heard the parties and for the reasons disclosed in the present M.J.C. application, the prayer for restoration is allowed. Civil Review No. 187 of 2013 is restored to its original file.

The present M.J.C. application stands finally disposed of.

Re.: Civil Review No. 187 of 2013

On the request of the parties, the present civil review application has been taken up for consideration on merits.

The original writ petitioner of C.W.J.C. No. 8689 of 2011 has filed the present civil review application seeking review of the judgment/ order dated 9.1.2013 passed in aforesaid C.W.J.C. No. 8689 of 2011 by a Bench of this Court [Coram: Sheema Ali Khan, J, since deceased], whereby the aforesaid writ petition filed on behalf of the petitioner was dismissed by a reasoned and speaking order after taking into consideration all the factual aspects and the relevant laws canvassed on behalf of the parties.

After having heard the parties, this Court is of the opinion that if the writ petitioner was at all aggrieved by the aforesaid judgment/ order dated 9.1.2013 passed in C.W.J.C. No. 8689 of 2011, then he could have assailed the validity and correctness of the aforesaid order before the Apex Court, but admittedly, that has not been done. This Court is also of the opinion that no case for review is made out by the writ petitioner. Hence, the review petition is dismissed.

However, it is the common case of the parties that a title suit, out of which present lis has arisen, is still pending before the learned trial court. Therefore, the petitioner would be well advised to contest the aforesaid title suit on merits and raise all the issues, which may be permissible under law before the learned trial court. It is expected that the issues raised on behalf of the petitioner shall be considered and decided strictly in accordance with law, but

after giving an opportunity of hearing to all concerned including the plaintiff and defendants therein.

The instant civil review application stands dismissed with the observations and directions made above.

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(Birendra Prasad Verma, J)