

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14005 of 2014

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Yogendra Singh Son of Late Juit Singh Resident of village - Murar Batraha @ Ahirauki, Police Station - Phulwaria, District - Gopalganj

.... Petitioner/s

Versus

1. Indrashan Singh Son of Late Mohan Singh Resident of village - Murar Batraha @ Ahirauki, Police Station - Phulwaria, District - Gopalganj
2. Krishna Singh Son of Yogendra Singh
3. Laxuman Singh minor son of Yogendra Singh Under the Guardian of his Natural Guardian his father Yogendra Singh
4. Dharmawati Devi wife of Hare Ram Singh
5. Guddi Devi @ Ramawati Devi Daughter of Yogendra Singh
6. Subhawati Kumari daughter of Yogendra Singh under the Natural guardian of his father Res. No. 2 to 6 Resident of village - Murar Batraha @ Ahirauki, Police Station - Phulwaria, District - Gopalganj
7. Chhalia Devi wife of Ramayan Singh Resident of village - Arma, P.S. Uchkagaon, District - Gopalganj at present Murar Batraha @ Ahirauki, P.S. - Phulwaria, District - Gopalganj.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jyotindra Pratap Singh, Adv.

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 18-10-2016

Heard learned counsel for the petitioner.

The petitioner is the appellant before the appellate court below and has filed the petition (Annexure-1) before the appellate court below to call for the relevant register from the registry office to establish that the sale deed in favour of the plaintiff was not in existence



and had never been registered.

After considering the submissions and perusal of the impugned order, it is evident that the present petitioner as defendant contested the suit filed by the plaintiff-respondents and in his written statement the specific plea was raised with regard to the sale deed on the basis of which the plaintiffs claimed the suit land and filed the suit. However, there is no reason or explanation assigned by the petitioner as to why the said prayer was not made before the trial court. This becomes prominent in view of the fact that the defendant-petitioner contested the suit and was given full opportunity to lead evidence. The learned court below has rightly come to the conclusion that the prayer of the petitioner is only intended to delay the disposal of the suit and is frivolous. This Court has not been persuaded to find any illegality or material irregularity in the impugned order.

The application is, accordingly, dismissed.

(V. Nath, J)

Devendra/-

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