

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.196 of 2013

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1. Shyam Mahto, Son of Late Ram Saran Mahto.
 2. Anil Mahto, Son of Late Ram Saran Mahto.
 3. Suraj Narayan Mahto, Son of Late Beni Mahto.
 4. Mathura Mahto, Son of Late Beni Mahto.
 5. Ram Sagar Mahto, Son of Late Beni Mahto.

All residents of village-Dumri, P.S.-Muffasil, District-Begusarai.

.... Petitioners.

Versus

1. Sadeshwar Prasad Singh, Son of Jagdish Naryan Singh.
2. Kedar Singh.
3. Awadh Singh.
4. Ram Sagar Singh.
5. Lalan Singh.
6. Gaga Singh.

All are sons of Late Kamta Singh.

7. Nirmala Devi, D/o late Kamta Singh.
8. Lalo Devi, Wife of Permeshwari Prasad Singh.
9. Mahendra Singh, Son of Mogal Singh.
10. Santosh Singh, Son of Late Krishnnadev Singh.
11. Jatashanker Singh, Son of Krishnnadev Singh.

All are residents of village-Dumri, P.S.-Muffasil, District-Begusarai.

12. Mathura Mahto, Son of Bauku Mahto.
13. Ganeshari Mahto, Son of Bauku Mahto.

All residents of village –Dumri, P.S.- Muffasil, District-Begusarai.

..... Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Jai Prakash Singh, Adv.

For the Opposite Party No.1:Mr. Pramod Kumar Sinha, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

This revision application has been filed against the order dated 22.08.2013 passed in Miscellaneous Case No.14/2013 whereby the learned court below has refused to restore the title appeal which was dismissed for default on 01.03.2001. From the perusal of the averments made in the revision application as well as the counter affidavit filed by opposite party no.1, it is evident that the T.S.No.06/1988 was filed by the opposite party for declaration of their title over the suit property and further for setting aside the order passed by the Revenue Authority. The suit was decreed by judgment and decree dated 28.04.1997. The defendant therein (petitioner at present) filed Title Appeal No.11/1997. However, as the defendant-petitioner did not comply the direction by the appellate court below for deposit of the court fee, the appeal was dismissed for default on 01.03.2001. The defendant petitioner did not take any prompt step thereafter and filed the petition on 25.03.2013 on the basis of which Miscellaneous Case No.14/2013 was initiated. By the impugned order the appellate court below after considering the facts and circumstances of the case has dismissed the miscellaneous case refusing to restore the appeal holding that the reasons assigned by the defendant-petitioner for explaining the non-compliance of the order and that too after

such a long delay was not at all convincing. The learned counsel for the opposite party no.1 also placed the relevant orders passed by the learned court below in order to persuade this Court to take the view that the defendant-petitioner was only interested in prolonging the matter and harassing the opposite party.

After considering the facts and circumstances and the submissions, this Court does not find that the learned court below has committed any error of jurisdiction or material irregularity in passing the impugned order.

The revision application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

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