

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11398 of 2014

- =====
1. Ram Jatan Prasad Agrawal S/o Late Devi Prasad Agrawal
 2. Ram Jatan Prasad Agrawal S/o Late Devi Prasad Agrawal
 3. Ram Chandra Prasad Agrawal
 4. Ram Chandra Prasad Agrawal
 5. Shatrughan Prasad Agrawal
 6. Shatrughan Prasad Agrawal
 7. Dhrub Kumar @ Dhrub Kumar Agrawal
 8. Dhrub Kumar @ Dhrub Kumar Agrawal
 9. Om Prakash Agrawal
 10. Om Prakash Agrawal
 11. Ramesh Kumar Agrawal
 12. Ramesh Kumar Agrawal
 13. Budhdeo Prasad Agrawal
 14. Budhdeo Prasad Agrawal
 15. Narayan Prasad Agrawal All (2 to 8) are sons of Ram Jatan Prasad Agrawal, All are resident of Mohalla- Ramana, Police Station- Sherghati, District- Gaya
 16. Narayan Prasad Agrawal All (2 to 8) are sons of Ram Jatan Prasad Agrawal, All are resident of Mohalla- Ramana, Police Station- Sherghati, District- Gaya

.... Petitioner/s

Versus

1. Mostt. Keshri Devi W/o Late Rajendra Mahto, Resident of Village and Police Station- Sherghati, District- Gaya
2. Mostt. Keshri Devi W/o Late Rajendra Mahto, Resident of Village and Police Station- Sherghati, District- Gaya

.... Respondent/s

=====

Appearance :

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

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

Date: 02-08-2016

Heard learned counsel for the petitioner.

2. The present application has been filed in the year 2014 questioning the part of the order dated 01.05.2010 passed in Miscellaneous Case No. 03 of 2013. It has been prayed in the present application that the order dated 01.05.2010 passed in Miscellaneous Case No. 03 of 2013 be quashed to the extent where the learned court below has held that Rajendra Mahto (husband of respondent no. 1) was the Sewait of Three Shivala Temples. From the averments made in the application as well as the submissions on behalf of the parties, it transpires that C.W.J.C No. 10271 of 2010 was filed questioning the legal validity of the same order dated 01.05.2010 passed in Miscellaneous Case No. 03 of 2013. In the said application, also, it further transpires that the present petitioners were respondents. The C.W.J.C No. 10271 of 2010 was allowed in part by order dated 05.02.2013 setting aside the order dated 01.05.2010 so far as it concerned the Petitioner No. 1 of the said application and the direction was issued to the court below to take steps for substitution of Petitioner No. 1 in place of deceased petitioner Rajendra Mahto. There is no explanation either in the application or during the course of submission as to why the present petitioners who were respondents did not raise the issue which has been sought

to be raised at present against the same order dated 01.05.2010 which was under challenge in the previous application. There is also no cogent explanation for not questioning the part of the order as raised presently for a long period of more than four years.

3. In the aforesaid facts and circumstances of the case, this Court is not inclined to exercise its jurisdiction under Article 227 of the Constitution of India.

4. The application is accordingly dismissed.

5. The petitioners, however, shall be at liberty to raise their objections under Section 105 of the C.P.C in accordance with law.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	06.09.16
Transmission Date	N.A.