

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13376 of 2015

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Ghanshyam Gond & Ors

.... Petitioner/s

Versus

Babu Lal Prasad Gond & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arabind Nath Pandey

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO**

ORAL ORDER

2 17-05-2016 Heard the learned counsel, Mr. Arbind Nath Pandey, for the
petitioner.

The learned Munsif, Kaimur at Bhabhua in Title Suit No.74 of 2009 rejected the application filed by the petitioner under Section 4B and 4C of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, by order dated 04.06.2015 recording a clear finding that in the suit, the question is to be decided is whether Parwati Devi is the widow of Ramji Gor or not and the record of right in the name of Ramji Gor is correct or not. The Court below also found that if the document is void then the proceeding would have abated but in the present case, the document is not a void document rather it is voidable, therefore, the Civil Court has the jurisdiction to decide the same.

From perusal of the impugned order, it appears that while

rejecting the application, the Court below has considered various decisions of the Supreme Court and the High Court including the decision of the Hon'ble Supreme Court reported in *AIR 2013 SC 1010*, therefore, in no case the order can be said to be a irrational order or that it is contrary to law or that by the order, it occasioned failure of justice. Therefore in my opinion, this is not a fit case for interference in supervisory jurisdiction.

Accordingly, this writ application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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