

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.10821 of 2014

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1. Shri Shyam Narayan son of late Brahmdeo Rai.
 2. Shri Bijay Rai son of Shyam Narain Rai.
 3. Most. Deopati Devi widow of late Nawal Kishore Rai All residents of village and P.O. Manoherpur Kacchuara P.S. Gaurichak, Distt. Patna.
 4. Smt. Kishunpati Devi wife of Shri Deolal Rai resident of village - Khapura, P.S. and P.O. Nagernausa, Distt. – Nalanda.

.... Petitioner/s

Versus

1. Shri Ram Babu Rai son of late Hariher Prasad Rai
2. Shri Sanjay Kumar Rai son of Shri Ram Babu Rai Both residents of village - Samshipur Diyara, P.S. and P.O. Bachhwara, Distt. - Begusarai
3. Shri Bhuneshwar Prasad son of late Ram Kishun Singh resident of village and P.O. Mohiuddinpur, P.S. Fatwah, Distt. - Patna
4. Bengali Roy son of late Ram Bhajan Rai
5. Chandeshwar Rai son of Bengali Rai
6. Muneshwar Rai son of Shri Bengali Rai All residents of village - Kanauji, P.O. Manoherpur Kachhuara, P.S. Gopalpur, Distt. - Patna
7. Sunaina Devi wife of Shri Bhuneshwar Prasad Singh resident of village and P.O. Mohiuddinpur, P.S. Fatwah, Distt. - Patna
8. Smt. Sharda Devi wife of Shri Chandeshwar Prasad
9. Smt. Lalmuni Devi wife of Muneshwer Rai All residents of village - Kanaujee, P.O. Manoherpur Kachhuara, P.S. Gopalpur, Distt. - Patna
10. Smt. Lilawati Devi wife of Shri Laxman Rai resident of village P.S. and P.O. Nagemausa, Distt. - Nalanda
11. Smt. Munna Devi wife of Shri Rajendra Prasad resident of village - Gulalchak, P.O. Jamui, P.S. Dulhi Bazar, Distt. - Patna
12. Most. Ramia Devi widow of alleged late Funu Rai (Bhagat) residents of village - Kanauji, P.O. Manoherpur Kachhuara, P.S. Gopalpur, Distt. - Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Uma Shankar Pd. Sinha, Adv.
Mr. Ashok Nandan Prasad, Adv.
Mr. Satya Ranjan Sinha, Adv.

For the Respondent/s : Mr. Arvind Kr. Pandey, Adv.
Mr. Prabhat Kr. Dipak, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT
Date: 25-07-2016

Heard learned senior counsel for the petitioners and learned counsel appearing on behalf of the respondent nos. 1 to 11.

Learned senior counsel for the petitioners has pointed out that by the impugned order, the petition filed on behalf of the defendant-petitioners have been rejected on the self same ground that the judgment of T.S. No. 129 of 1952 and judgment of T.A. No. 211 of 1956 were not produced before the court. It has been submitted by the learned senior counsel that the aforesaid two judgments are already on record and have been marked as exhibit in the suit. It has been, therefore, contended that the learned court below has ignored those documentary evidence and has wrongly rejected the petitions of the defendants on the ground that the aforesaid two judgments or their copies have not been produced. Learned senior counsel has also referred to the order dated 04.07.2016 passed in C.W.J.C. No. 10557 of 2014 the records of which have been called for perusal by this Court.

Learned counsel for the respondents is present and has raised no objection to the disposal of this application with liberty to the petitioners to file appropriate petition for recall/review of the order

before the learned court below itself in view of the submissions as made on behalf of the petitioners that the order has been passed ignoring the documents on record.

In result, the present application is disposed of with liberty to the petitioners to file appropriate petition for recall/review of the order before the learned court below in accordance with law. Such petition, if filed, shall be disposed of on its own merit.

(V. Nath, J)

Devendra/-

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