

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7470 of 2014

=====

Govind Sah		Petitioner/s
	Versus	
Amarnath Singh & Ors		Respondent/s

=====

Appearance :
For the Petitioner/s : Mr. Mohammad Sufyan
For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO
ORAL ORDER

2 19-02-2016 Heard the learned counsel, Mr. Wasi Ahmad Khan, for the petitioner.

The learned Execution Munsif, Muzaffarpur in Title Suit No.47 of 2007 rejected the application filed by the defendant petitioner under Section 4(C) of Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 for abatement of the suit on 16.01.2014.

It appears that the plaintiff filed aforesaid suit for declaration of title, confirmation of possession and injunction against the defendants on the basis of the sale deeds said to have been executed by defendant No.3. The defendants filed contesting written statement raising the question that the sale deed of the plaintiff is forged, fabricated and, therefore, the plaintiff is not entitled for any relief. The defendants then filed the application

under Section 4C of the Consolidation Act. The Court below has rejected the same on the ground that this question regarding the forgery, fraud regarding the sale deed is a question and injunction that can only be gone into by the Civil Court and it has got no relation with the pendency of the consolidation proceeding and accordingly, he had rejected the application.

In such view of the matter, when the dispute is with regard to fraudulent sale deed or forged sale deed is a question that cannot be decided by the consolidation authority nor any injunction can be granted by the consolidation authority, therefore, the Court below has rightly rejected the application.

Thus, this writ application is devoid of any merit and thus it is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

U		T	
---	--	---	--