

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.460 of 2017

1. Dr. Zeaul Haque,
2. Sk. Anwarul Haque, both sons of Late Sk. Mohammad Shiblee and residents of Village- Aranda Hasanpura, P.S.- Mazharul Haq Nagar and District- Siwan. at present resident of Village- Harpur Tole, Bhagori, P.S.- Majhawlia and District- West Champaran.

... .. Appellant/s

Versus

1. Manaie Mahto,
2. Kanahiya Mahto,
3. Sri Kishun Mahto,
4. Chuni Mahto,
5. Munahi Mahto,
6. Gorakh Mahto,
7. Balia Mahto, all sons of Late Laljee Mahto and residents of Village- Aranda Hasanpur, P.S.- Masharul Haq Nagar now Hasanpura, Dist- Siwan.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Mohammed Abu Haidar

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 06-09-2017 An order dated 16.01.2017, passed by the learned Sub Judge-Ist , Bettiah at West Champaran in Title Suit No. 137 of 2016 is under challenge, whereby he has dismissed the suit on the ground that no cause of action had arisen within the territorial jurisdiction of the Court of West Champaran at Bettiah.

Learned counsel appearing on behalf of the petitioners/plaintiffs, assailing the impugned order, has submitted that the title suit was filed with respect to the property



described in Schedule I from which, it is evident that the said land falls within the jurisdiction of the Court of West Champaran which is also subject matter of the suit. He has submitted that the Court below has wrongly dismissed the suit on the ground of lack of territorial jurisdiction.

I have perused the plaint, which has been brought on record by way of Annexure-1 to this application. Nothing is mentioned as regards the nature of dispute between the petitioners/plaintiffs with respect to land described in Schedule I and located within the jurisdiction of West Champaran.

Learned counsel for the petitioners has drawn my attention to paragraph 8 of the plaint to show that the cause of action had arisen on 13.07.2016, when the defendants disclosed to have transaction with respect to land in question and came to either dispossess the petitioner from said property or disturb the petitioners/plaintiffs from the land.

I do not find such pleadings in relation to the land falling within the jurisdiction of West Champaran Court..

It seems that in order to make out a case for jurisdiction of West Champaran Court, the petitioners who are residents of West Champaran have referred to lands in Schedule I of the plaint.



I do not find any illegality in the impugned order, requiring this Court's interference in exercise of power under Article 227 of the Constitution of India.

This application has no merit and it is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

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