

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.735 of 2017

1. Rabindra Prasad Singh Son of Ramjatan Singh.
2. Musmat Shila Devi, Wife of Late Vinsi Kumar Singh. Resident of Village- Bhelai, P.S.- Udwant Nagar, District- Bhojpur.

... .. Appellant/s

Versus

1. Shio Kumari Devi Wife of Ramanuj Singh, D/o Ramkrishun Singh.
2. Chandmati Devi Wife of Surendra Singh.
3. Prem Kumari Devi Wife of Kapildeo Singh. D/o Ramkishun Singh.
4. Bishal Kumar Singh Son of Abhai Kumar Singh. Resident of Village- Bhelai, P.S.- Udwant Nagar, District- Bhojpur.

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Ram Lallan Singh
For the Respondent/s	:	Mr. Brajesh Prasad Gupta
		Mr. Rajnandan Prasad

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

2 18-10-2017 The petitioners are aggrieved by an order, dated 16.02.2017, passed in Title Suit No. 522 of 2014, whereby learned Sub Judge VIII, Bhojpur, at Ara, has rejected an application filed under Order 1 Rule 10 (2) of the Civil Procedure Code (hereinafter referred to as 'the Code').

From the impugned order, it is noticeable that the suit has been filed by the Opposite Party No. 1, daughter of Late Ram Kishun Singh, for correction in the deed of gift executed by Late Ram Kishun Singh and Late Somaria Devi, wife of Late Ram Charan Singh. Late Ram Kishun Singh and Late Ram Charan Singh were full brothers and sons of Late Rajrup singh.



Late Rajrup Singh and Late Halkhor Singh were sons of Late Jaipal Singh. The petitioners claimed to be impleaded as defendants before the Court below on the ground that though they are necessary parties and the gift of deed executed by Late Ram Kishun Singh and Late Somaria Devi in favour of Sheo Kumari Devi @ Chandmati Devi in respect of the suit land is not in accordance with law.

From the impugned order, I find that the Court below has rejected the petitioner under Order 1 Rule 10 (2) of the CPC mainly in view of the nature of the relief sought. The relief, which has been sought, is for correction in the deed of gift executed by Late Ram Kishun Singh and Late Somaria Devi. The said order does not require interference in a proceeding under Article 227 of the Constitution of India.

This application is, accordingly, dismissed.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

