

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.430 of 2016

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1. Jay Prakash Yadav Son of Sitaram Yadav
 2. Sitaram Yadav Son of Late Madari Yadav both are resident of village - Chhatihar, Jamalpur, P.O. Korap, P.S. Konch, District Gaya
 3. Shanti Devi Wife of Kameshwar Yadav resident of village & P.O. Keshopur, P.S. Rafiganj, District Aurangabad

... .. Appellant/s

Versus

1. Surajdeo Yadav
2. Sarju Yadav
3. Jageshwar Yadav
4. Chandeshwar Yadav
5. Bindeshwar Yadav All are son of Late Brahmdeo Yadav
6. Nagina Devi
7. Nagmatia Devi
8. Alkari Devi All are daughter of Late Marchhu Yadav
9. Jagnarain Yadav
10. Munshi Yadav
11. Baliram Yadav All are Sons of Late Vikram Yadav
12. Ram Ratan Yadav
13. Mukhu Yadav both are sons of Late Deolal Yadav All are resident of village - Chhatihar Jamalpur, P.O. Korap, P.S. Konch, District Gaya

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Sunil Kumar Yadav
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

3 21-11-2017 Though the Second Appeal has been listed under the heading for “Orders on Petition”, I have considered it appropriate, after having gone through the impugned judgment to dispose it of on merits.

I.A. No. 7507 of 2016 has been filed for condonation of delay since the second appeal is time barred. There is delay of one month in presenting the second appeal. Delay is condoned.



The appellants were plaintiffs before the trial Court and had filed Title Suit No.83 of 1993/234 of 1989 for declaration of right and title of the plaintiffs over the suit land on the strength of registered sale deed executed in his favour on 18.06.1976. The suit was brought in the year 1989. However, without advertent to the question of limitation, the trial Court decreed the suit in favour of the appellants. The defendants thereafter, filed appeal against the decree and judgment of the trial Court, give rise to Title Appeal No. 22 of 2015/35 of 2005, which finally came to be allowed by the impugned judgment and decree dated 28.04.2016, reversing the trial Court judgment mainly on the ground that the suit was time barred.

It is not in dispute that the suit was time barred.

Learned counsel appearing on behalf of the appellants, however, has submitted that the trial Court after having gone into the merits of the case has decreed the suit and the appellate Court without going into such aspect allowed the appeal and reversed the trial Court judgment mainly on the ground of limitation.

Learned counsel for the appellants has not been able to convince this Court that the suit was not time barred. In that view of the matter, the appeal does not involve any substantial



question of law.

The appeal is, accordingly, dismissed. I.A. No. 7507 of 2016 stands disposed of.

(Chakradhari Sharan Singh, J)

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