

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Miscellaneous Jurisdiction Case No.3278 of 2016**

**IN**

**C.R. No. 279 of 2010**

=====

Nemedhari Rai, Son of Late Horil Rai, Resident of Village- Dhighi Kala, P.O. Hajipur Sadar, District- Vaishali.

.... .... Petitioner/Petitioner

Versus

1. The State of Bihar.
2. The Deputy Director of Consolidation Headquarter Bihar, Patna. Power not vested under him).
3. The Deputy Director of Consolidation, Vaishali at Hajipur,
4. The Consolidation Officer, Hajipur.
5. Raj Kumari Devi, W/o Mahendra Rai, Resident of Village- Dhighi Kala, P.O. Hajipur Sadar, District- Vaishali.

.... .... Respondents/Opposite parties

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**CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI**

**and**

**HONOURABLE JUSTICE SMT. NILU AGRAWAL**

**ORAL JUDGMENT**

**(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)**

**Date: 07-04-2017**

Though the Court is not satisfied with the reasons assigned in the restoration application, but in the interest of the litigant Civil Review No. 279 of 2010 is restored to its original file. Even Civil Review No. 279 of 2010 is taken up on merits.

Restoration application is, accordingly, allowed.

Heard counsel for the petitioner.

The Division Bench has committed no error by dismissing L.P.A. No. 1400 of 2009 since the genuineness of sale-deed could not have been gone into by the consolidation authority under the Act and the appellant/ petitioner had already filed Title Suit



No. 13 of 2000 which was pending for adjudication.

The review application, therefore, lacks merit and the same is dismissed.

**(Ajay Kumar Tripathi, J)**

**(Nilu Agrawal, J)**

Rajesh/-

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