

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.130 of 2009

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Manager Prasad Shahi

.... Petitioner/s

Versus

Birendra Mishra & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : None

For the opposite parties : Mr. Ajay Mishra

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

07 02.11.2017

1. No one appears on behalf of the petitioner on repeated call. Learned counsel for opposite party is present.

2. Present revision petition has been filed against the order dated 10.12.2008 passed by Addl. Munsif II, Gopalganj in Title suit no. 102/2003 by which and whereunder he rejected petition dated 20.09.2008 filed on behalf of the defendant-petitioner for abatement of Title suit no. 102/2003 under section 4 (c) of the Consolidation of Holdings and Prevention of Fragmentation Act (in short 'Consolidation Act').

3. It would appear from perusal of record that the plaintiffs-opposite parties filed Title suit no. 102/2003 against the defendant- petitioner for declaration of gift deed dated 17.06.1994 as



inoperative, forged and fabricated. The defendant-petitioner filed petition under section 4 (c) of the Consolidation Act praying therein that the aforesaid Title suit no. 102/2003 is hit by section 4 (c) of the Consolidation Act but learned court below rejected the aforesaid petition holding that the document can only be declared void and illegal by civil court and consolidation court has no right to declare any document void and illegal.

4. It would appear from perusal of the impugned order that gift deed in question had been executed in respect of some residential lands and house and, therefore, it appears that residential lands and house were also disputed before trial court. Moreover, there is nothing on record to show that consolidation proceeding had been initiated in the concerned village.

5. In the aforesaid circumstances, I do not find any illegality, irregularity or impropriety into the impugned order and accordingly, this revision petition stands dismissed.

Shahid

(Hemant Kumar Srivastava, J)

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