

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No. 142 of 2014

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1. Amina Khatoon Widow of Late Md. Zuddin
 2. Md. Abbas
 3. Md. Sikandar
 4. Md. Shamsheer
 5. Md. Jamal
 6. Md. Kamal Sons of Late Md. Zuddin All Residents of Mohalla - Binodpur, Post Office, Police Station and District - Katihar

.... Petitioners

Versus

1. Hena Rani Das Widow of Late Kamakhya Charan Das
2. Debu Das Daughter of Late Kamakhya Charan Das
3. Sagata Ghosh Widow of Late Arun Ghosh
Residents of Mohalla - Lal Kothi, Driver Tola, Post Office, Police Station and District - Katihar
4. The Union of India through the General Manager of N.F. Railway Maligaon, Gauhati
5. The General Manager of N.F. Railway Maligaon, Gauhati
6. The State of Bihar through the Collector, Katihar
7. The Circle Officer, Katihar, Post Office Police Station and District - Katihar
8. The Commissioner of Katihar Municipality, Katihar
9. Smt. Shikha Rani Singh Daughter of Late Kamakhya Charan Das and Widow of Late Chandra Shekhar Pd. Singh
No. 9 is Resident of Mohalla - Lal Kothi, Driver Tola, Post Office- Police Station and District - Katihar
10. Smt. Meera Singh Wife of Umesh Prasad Singh No. 10 is resident of Mohalla - Railway Colony, Guard Para, Quarter No. 51F, Post Office, Police Station and District - Katihar
11. Neelam Devi Wife of Ganesh Prasad Singh No. 11 is resident of Railway Colony, Guard Para, Post Office, Police Station and District - Katihar
12. Abdul Hafiz Qurashi, Son of Late Noor Mohammad No. 12 is resident of Mohalla - Amlatola, Rajendra Prasad Path, Post Office, Police Station and District - Katihar
13. Akbari Begum Daughter of Late Md. Zuddin No. 13 is resident of Mohalla Binodpur, P.O., P.S. & District - Katihar

..... Opposite Parties

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Appearance :

For the Petitioner s : Mr. Najmul Hoda, Adv.

For the Opposite Parties : Mr. Awadhesh Kumar Mishra, Adv.



Mrs. Sandhya Sharma, Adv.

Mr. Ujwal Kumar, Adv.

Mr. Ajay Kumar, Adv.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA
ORAL ORDER

7 28-07-2017 Heard learned counsel for the petitioners as well as learned counsel appearing for the opposite parties.

Petitioners have filed this revision petition for setting aside the order dated 30.06.2014 passed by the Munsif, Katihar in Title Suit No 37 of 2007 by which and whereunder he rejected the petition filed by the petitioners under Order 7 Rule 11 of the C.P.C.

The petitioners filed petition under Order 7 Rule 11 of the C.P.C. on the ground that issue involved in the present suit had already been decided in Title Suit No 493/ 1988 as well as Title Suit No 500/ 1988 and, therefore, the present suit is barred by res judicata but in my view, the learned Munsif rightly observed in the impugned order that the aforesaid issue could only be decided after recording the evidence of the parties and on the aforesaid ground the plaint of the plaintiffs could not be rejected.

Therefore, in the aforesaid circumstances, I do not find any ground to interfere into the impugned order and accordingly, this revision petition stands dismissed on admission stage itself.



However, this order shall not cause any prejudice to the concerned court to decide the case on merit taking all the pleas raised by the parties.

(Hemant Kumar Srivastava, J)

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