

IN THE HIGH COURT OF JUDICATURE AT PATNA
Letters Patent Appeal No.1397 of 2015
In
Civil Writ Jurisdiction Case No.6324 of 1994

1. Jagarnath Singh @ Jaggarnath Singh son of Late Rameshwar Singh
2. Bodh Narayan Singh
3. Binay Narayan Singh
4. Manoj Kumar Singh All (2,3,4) sons of Sri Jagarnath Singh @ Jaggarnath Singh, resident of village- Pounkari, P.O.- Basbitta, Via- Belhar, P.S.- Shambhuganj, District- Banka

... .. Appellant/s

Versus

1. The State of Bihar
2. The Deputy Director Consolidation (Head Quarter), Patna, empowered under section 85 of the Consolidation Act.
3. The Assistant Director Consolidation, Bhagalpur
4. The Consolidation Officer, Shambhuganj, District- Bhagalpur at present District- Banka
5. Rajendra Prasad Singh
6. Ashok Kumar Singh (deceased)
7. Surendra Prasad Singh
8. Anil Kumar Singh all four (5 to 7) sons of Late Santosh Singh, resident of village- and P.O.- Baidpur, P.S. Shambhuganj, District- Bhagalpur, at present District- Banka
9. Baijnath Singh
10. Basuki Prasad Singh both (9 & 10) sons of Late Rameshwar Singh
11. Bhagirath Singh
12. Shiromani Singh both (11 & 12) sons of Late Gaya Prasad Singh
13. Nand Lal Singh
14. Shankar Prasad Singh both (13 & 14) sons of Ram Bharosa Singh All resident of village- Pounkari, P.O. Basbitta, Via- Belhar, District- Banka

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Manohar Prasad Singh
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI
and
HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL JUDGMENT
(Per: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI)

Date : 23-08-2017



Heard counsel for the appellants.

The impugned order is dated 07.05.2015 passed by the writ Court in C.W.J.C. No. 6324 of 1994. The learned single Judge after hearing the parties refused to interfere with the order of the revisional Court on the ground that since Bhagwati Devi, the widow of Banwari Mandal, was very much alive after coming into force of Hindu Succession Act, 1956, she became the rightful owner of the property as a successor of her husband and it was because of the said fact that in the revisional survey her name was entered. Bhagwati Devi thereafter executed a deed of gift in favour of her daughter. The son of the daughter has sold the property and all this had led to the present dispute.

Whether Banwari Mandal died in the year 1932 or not is not an established fact. A certificate of Mukhiya may have been a begotten kind of document to make out a case in favour of the appellants.

The death of the husband is not of importance, it is the wife being alive when the 1956 Act came into force is of significance. She free to deal with the property in the manner she likes. If these appellants have any serious dispute about the same, the learned single Judge has rightly shown them the door of a civil Court. No interference is warranted with the impugned order.



Appeal has no merit. It is dismissed.

(Ajay Kumar Tripathi, J)

(Rajeev Ranjan Prasad, J)

Pawan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	23.08.2017
Transmission Date	N.A.

