

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.6137 of 2013

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1. Shambhu Mandal Son Of Late Kameshwar Mandal R/O Village- Bhikhna, P.O. Bahdura, P.S. Rupauli, Dist. Purnea
 2. Ram Chandra Mandal Son Of Late Kameshwar Mandal R/O Village- Bhikhna, P.O. Bahdura, P.S. Rupauli, Dist. Purnea
 3. Narada Mandal Son Of Brahmadeo Mandal R/O Village- Bhikhna, P.O. Bahdura, P.S. Rupauli, Dist. Purnea
 4. Sanjay Mandal Son Of Anup Mandal R/O Village- Bhikhna, P.O. Bahdura, P.S. Rupauli, Dist. Purnea
 5. Disko Mandal Son Of Late Sarwan Mandal R/O Village- Bhikhna, P.O. Bahdura, P.S. Rupauli, Dist. Purnea

.... Petitioners

Versus

1. The State Of Bihar through Secretary Land Reform Deptt. Bihar
2. Ranvijay Mandal Son Of Late Rudal Mandal R/O Village Bhikhana, P.S. Rupauli Distt. Purnia
3. Bidur Mandal Son Of Late Rudal Mandal R/O Village Bhikhana, P.S. Rupauli Distt. Purnia
4. Budhan Mandal Son Of Late Rudal Mandal R/O Village Bhikhana, P.S. Rupauli Distt. Purnia
5. Hansraj Mandal Son Of Late Rudal Mandal R/O Village Bhikhana, P.S. Rupauli Distt. Purnia
6. Babu Sahab Mandal Son Of Late Rudal Mandal R/O Village Bhikhana, P.S. Rupauli Distt. Purnia
7. Raghubansh Prasad Singh S/O Late Jagdish Pd. Singh R/O Village- Bhikhana, P.S. Rupauli, Distt. Purnia
8. Urmila Devi D/O Late Babhuwan Singh W/O Kedar Singh R/O Village- Bhikhana, P.S. Rupauli, Dist. Purnia
9. Ganesh Prasad Singh Son Of Late Rameshwar Singh R/O Village- Bhikhana, P.S. Rupauli, Distt. Purnia
10. Pramod Prasad Singh Son Of Late Rameshwar Singh R/O Village- Bhikhana, P.S. Rupauli, Distt. Purnia
11. Raghubansh Mandal Son Of Late Sipal Mandal R/O Village- Bhikhana, P.S. Rupauli, Dist. Purnia
12. Gyanchand Mandal Son Of Late Sipal Mandal R/O Village- Bhikhana, P.S. Rupauli, Dist. Purnia

.... Respondents

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Appearance :

For the Petitioners	:	Mr. Sunil Kumar Thakur, Advocate
For the Respondents	:	Mr. Jagdish Prasad, Advocate Mr. Bijendra Kumar, Advocate.
For the State	:	Mr. Babita Kumari, AC to SC-1.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 16-11-2017

The petitioners are defendants in Title Suit No.34 of 1999



pending in the Court of 6th Additional Munsif, Purnia. This petition has been filed to set aside the order dated 19.12.2012 passed by the court below whereunder the prayer to frame issue as regards valuation and court fee was rejected.

2. The respondent nos.2 to 6 filed the aforesaid Title Suit No.34 of 1999 against the petitioners for declaration that the sale deeds executed by defendant second sets in favour of respondent nos.7 to 11 who are petitioners before this Court are illegal void and not binding on the plaintiffs. The plaintiffs further prayed to declare the order dated 15.06.1998 passed by learned Circle Officer, Rupauli in Mutation Case No.937 of 1997 (K) and also order of DCLR passed in Appeal Nos.26 of 1998 and 27 of 1998 as void illegal and without jurisdiction. The petitioners filed written statement on 20.03.2001. They further filed a petition under Order 14 Rule 5 of CPC for framing an issue as regards valuation of suit property.

3. Heard learned counsel for the petitioners and the respondents.

4. On perusal of documents and record, I find that the suit of the plaintiff was dismissed in default and the same was subsequently restored under Order 9 Rule 4 of CPC. The petitioners filed a civil revision no.300 of 2010 for setting aside the said order whereunder the suit of the plaintiff was restored. The said civil revision was dismissed by this Court and the court below was directed



to take up the hearing of the suit on priority basis and dispose it and preferably within one year from the date of order without giving any unnecessary adjournments. The court below in view of direction of this Court rejected the petition of the petitioners observing that the petitioners have filed the petition only to prolong the disposal of the suit. It appears that issues were framed on 14.03.2012 and an issue as regard valuation and court fee matter was also framed under issue No.V. After six months of framing of issue, the present petition has been filed. The order of court below does not prejudice the petitioners in any way as the issue relating to valuation has been framed under issue no.V. In this view of the matter, I do not find any merit in this application.

5. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
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