

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1073 of 1999

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- 1(A). Saraswati Devi, D/o late Ram Swaroop Bind, W/o Kameshwar Bind, R/o Vill. Sadashpur, P.S. Mohania (Kaimur).
- 1(B). Bimla Devi, D/o late Ram Swaroop Bind, W/o Phulan Kumar Ram, R/o Village Gauan, P.S. Sonhan, Dist. Kaimur.
- 1(C). Mostt Lachi Kuer, W/o Late Ram Swaroop Bind, R/o Village Pakaria, P.S. Bhagwanpur, Dist. Kaimur.
2. Radha Devi, Daughter of Village Pakaria, P.S. Bhagwanpur, Dist. Rohtas.
- Appellants/Petitioners

Versus

1. Most. Fula Devi, Wife of late Rajju Ram Bind.
 2. Usha Devi, daughter of Rajju Ram Bind.
 3. Jamuna Bind, son of Rajju Bind.
 4. Girdhari Bind, son of Rajju Bind.
 5. Murli Bind alias Murati Bind.
 6. Laldhari Bind.
 7. Lalu Bind.
(All sons of Mattar Bind).
 8. Murahu Ram Bind alias Murahu Bind.
 9. Most Lachiya Kuer Wife of Surahu Bind.
 10. Basudeo Ram Bind alias Basudeo Bind.
 11. Most Subaghi Kuer, Wife of Late Lal Muni Bind.
 12. Bechan Ram alias Bechan Bind.
 13. Sechan Ram alias Sechan Bind.
 14. Ram Lochan Prasad alias Lochan Bind.
All sons of Murahu Ram Bind @ Murahu Bind
 15. Birbal Bind.
 16. Banarsi Bind
Both sons of Bechan Bind
 17. Sheo Badan Pd. Bind @ Sheo Badan Bind.
 18. Dinger Ram alias Dingar Bind.
 19. Dinanath Pd. Alias Dinanath Bind.
Sons of Surahu Bind
 20. Ram Bhajan Ram alias Bhanjan Bind, son of Basudeo Ram Bind alias Basudeo Bind.
 21. Murat Bind son of Badudeo Ram Bind alias Basudeo Bind.
 22. Ram Awadh Bind son of Ram Bhajan Bind Ram alias Bhajan Bind.
 23. Shankar Bind, son of Lalmuni Bind.
 24. Sheo Kumar Bind.
 25. Sheo Bind.
Both sons of Lalmuni Bind.
All residents of Village Pakaria, P.S. Bhagwanpur, Dist. Rohtas.
- Appellants/Opp. Parties
26. Most Kabutari Kuer wife of late Ram Das Bind.
 27. Dudhnath Bind, son of Ramdas Bind.
 28. Most Sudhia Kuer wife of Kedar Bind.
 29. Ramraj Bind.
 30. Deoraj Bind.
Both sons of Kedar Bind



31. Ramdhani Bind, son of Dudhnath Bind.

32. Bageshwari Devi, Wife of Dudhnath Bind.

All residents of Village Pakaria, P.S. Bhagwanpur, Dist. Rohtas.

.... Respondents/Opp. Parties

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Appearance :

For the Petitioner/s : Mr. Mahesh Pd., Adv.

Mr. Rewati Kant Raman, Adv.

For the Opp. Parties : Mr. Najmul Hoda, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 17-03-2017

It is a very serious matter that has been brought to the notice of this Court as it appears from the record that an appeal was filed by one Ram Swaroop Bind and one Radha Devi against the respondents mentioned in the Memo of Appeal. The case was registered as First Appeal No. 372 of 1986 but Dr. Alok Kumar Alok appeared, has filed power on behalf of the respondent nos. 4 & 5. Later on, he has filed a power taking No Objection from one appellant, namely, Ram Swaroop Bind and filed fresh Vakalatnama on 4.7.1996 on his behalf. In pursuance thereof, the case was listed on 20.11.1996. It was submitted before the Court that the parties have settled their dispute outside the Court. The issue has been compromised and they want to withdraw the appeal. Placing reliance on the statement of the counsel, this Court has allowed the withdrawal of the appeal. Accordingly, the appeal was disposed of.

Later on, a complaint has been filed making an allegation of perpetration of fraud and obtained the order by suppression and



manipulation done by the respondents. The matter vide order dated 4.7.2000 was referred to the Registrar General for enquiry. This Court received the enquiry report. The Registrar General has placed reliance on the opinion of the handwriting expert and arrived to a conclusion that there was manipulation and fraud in the matter.

This Court had issued notice to Dr. Alok Kumar Alok whereupon he has appeared, has filed three affidavits out of which two affidavits are conflicting to each other and today a fresh affidavit has been filed by him withdrawing all the earlier affidavits, has tendered unqualified apology but that is not the end of the matter. Future warning is given to Dr. Alok Kumar Alok that if he engaged himself in such an activity, the Court may take a very serious view of the matter even recommend for taking an action against him.

As fraud has been committed and order has wrongly been obtained. This Court directs the Registrar General of this Court to file a criminal case against (1) Dudhnath Bind, son of Ramdas Bind, (2) Ramraj Bind @ Bholu son of Kedar Bind and (3) Ramdhani Bind, son of Dudhnath Bind. On receipt of the complaint by the court below, this Court directs that the court below should act in accordance with law and conclude the entire process of trial on day-to-day basis within a period of nine months from the date of filing of the complaint by the Registrar General of this Court.



With the aforementioned observation and direction, this application is disposed of.

(Shivaji Pandey, J)

Rishi/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21.03.2017
Transmission Date	

