

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1596 of 2016**

**In
C.R. 283 of 2016**

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Ram Keshwar Mahto & Ors

.... Appellant/s

Versus

Ram Karan Prasad @ Ram Karan Prasad Gond & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Rewti Kant Raman

For the Respondent/s : Mr.

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**CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER**

- 3 30-01-2017 1. Heard the learned counsel, Mr. Mahesh Prasad No.2, for the petitioner.
2. Perused the impugned order dated 19.09.2016 passed by Sub Judge IV, Sasaram in Title Suit No.307 of 2015 whereby the learned Court below rejected the application filed by the defendant petitioner for deciding the question of limitation as preliminary issue.
3. It appears that the plaintiff-respondent filed the suit for declaration of title and confirmation of possession and in the alternative for recovery of possession. At the time of hearing of this Civil Misc. application, copy of the plaint was produced before this Court for its perusal. Except the above relief, the plaintiff-respondent has not claimed any relief.



4. In view of the above factual position, the plaintiff has prayed for declaration of title and confirmation of possession and in the alternative recovery of possession under Article 65 of the Limitation Act. In such circumstances, there is no question of limitation arises at this stage. Whether the defendant has acquired title by adverse possession is to be considered by evidence only. Thus, in the present case, the question of limitation cannot be decided as preliminary issue.

5. Thus, I find no reason to interfere with the impugned order in exercise of supervisory jurisdiction and accordingly, this Civil Misc. application is dismissed.

(Mungeshwar Sahoo, J)

Sanjeev/-

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