

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.355 of 2013

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Viveka Nand Singh S/O Uma Nath Singh Resident Of Village Mahuli,
Police Station Ara (Muffasil), District Bhojpur.

.... Appellant

Versus

1. Gauri Nand Singh S/O Late Shyam Bihari Singh Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
2. Ram Jhari Devi W/O Sudersan Singh Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 2(A) Binod Singh S/O Late Sudersan Singh Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 2(B) Hari Krishan Singh S/O Late Sudersan Singh Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 2(C) Ajay Singh S/O Late Sudersan Singh Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
3. Kedar Pandey S/O Mahadeo Pandey Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 4(A) Kalaouti Kunwar W/O Jadu Nandan Thakur Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 4(B) Bijendra Thakur @ Birendra Thakur S/O Jadu Nandan Thakur Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 4(C) Nagendra Thakur S/O Yadu Nandan Thakur Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 4(D) Gita Kunwar W/O Late Yogendra Thakur Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 4(E) Dharmendra Thakur S/O Late Yogendra Thakur Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 4(F) Bikash Thakur S/O Late Yogendra Thakur Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 5(A) Gayatri Devi D/O Baleshwar Singh Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 6(A) Dhurup Singh S/O Balmiki Singh Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 6(B) Arun Kumar Singh S/O Balmiki Singh Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
7. Sumitra Devi W/O Daib Dayal Singh Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 7(A) Diwakar Singh S/O Daib Dayal Singh Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 7(B) Umesh Singh S/O Daib Dayal Singh Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 7(C) Prabhakar Singh S/O Daib Dayal Singh Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 7(D) Sudhakar Singh S/O Daib Dayal Singh Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 7(E) Kanti Devi D/O Daib Dayal Singh Resident Of Village Mahuli, Police Station Ara Muffasil In The District Of Bhojpur.
- 7(F) Drapati Devi D/O Daib Dayal Singh Resident Of Village Mahuli,



13. Kaushal Kumar Singh son of Markendey Singh, resident of village-
Mahuli, P.S. Ara (Mufassil, District- Bhojpur.

ORAL ORDER

The plaintiffs have filed the suit for declaration of title over the suit land and further for declaration that the survey entry with regard to the suit land made in the name of the



defendant was wrong, illegal and without jurisdiction.

It transpires from the records that the suit land was only 35 decimals out of one acre land which the plaintiffs have claimed by way of settlement and by grant of rent receipts by the ex-landlords. It would be apposite to mention here that Mr. Dronacharya, learned counsel for the appellant, has submitted before this Court that the present appellants are concerned with 65 decimals of land of the plaintiffs, though the same is not of the suit property, which is only 35 decimals of land. Learned counsel for the appellant has also fairly accepted that there are no pleadings by the defendant-appellant claiming his title over the suit land. However, the trial court dismissed the suit and the appeal was preferred by the plaintiffs. The appellate court below by the impugned order has allowed the appeal and come to the conclusion after taking notice of the rent receipts (Exts. 6, 6/7 and 7/7) as well as the entry in the Register-II (Ext.9) that plaintiffs have succeeded in establishing their title over the suit land by way of settlement and by grant of rent receipts by the ex-landlord. The learned appellate court below has also taken into notice the depositions of witnesses on behalf of the defendants including the deposition of defendant no. 1 wherein the fact has been accepted that the disputed land was not in possession of the



defendants. The learned appellate court below has recorded the findings of fact on the basis of evidence which were acceptable and could have been relied upon. This Court has not been persuaded to hold that the conclusions arrived at by the learned appellate court below are perverse or unacceptable in any manner.

Taking into consideration the submissions made on behalf of the learned counsel for the appellants as well as after perusal of the judgment of the learned appellate court below, this Court comes to the conclusion that there is no substantial question of law arising for consideration in this appeal which is, accordingly, dismissed.

(V. Nath, J)

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