

**IN THE HIGH COURT OF JUDICATURE AT PATNA**

**Civil Revision No.28 of 2016**

=====

Shibal Mahto, Son of Late Sita Ram Mahto, Resident of Neemtala Katchahari Road, Begusarai, Police Station-Begusarai, District-Begusarai.

.... .... Petitioner

Versus

1. Surya Narayan Prasad, Son of Murat Lal.
  2. Shyam Prasad, Son of Surya Narain Prasad Singh.
  3. Mana Prasad, Son of Surya Narain Prasad Sinha.
  4. Sudhar Prasad, Son of Surya Naraian Prasad Sinha.
  5. Gaurab Kumar, Son of Late Madhu Prasad.
  6. Shaurab Kumar, Son of Late Madhu Prasad.
- All 1 to 6 are resident of Chitragupta Nagar Pargana Ballia Police Station Sub Division and District-Begusarai.
7. Sundarai Devi, Wife of Ram Swaroop Mahto, Resident of Ballia Police Station, Sub Division and Pargana-Ballia, District-Begusarai.
  8. Bimla Devi, Wife of Ramjee Mahto, Resident of Begusarai, Police Station-Begusarai, District-Begusarai.
  9. Guria Devi, Wife of Chandra Mahto, Resident of Bihat, Post-Bihat, Police Station-Bihat, District-Begusarai.
  10. Narain Mahto, Son of Late Sita Ram Mahto.
  11. Pawan Kumar, Son of Shibal Mahto.
  12. Shikendra Kumar, Son of Shibal Mahto.
- All 7 to 12 are resident of Neem Tala Kutchahari Road, Police Station-Begusarai, District-Begusarai.

.... .... Respondents

=====

**Appearance :**

For the Petitioner/s : Mr. Shashi Dhar Jha, Adv.

For the Respondent/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE V. NATH**

**ORAL JUDGMENT**

**Date: 22-03-2017**

Heard Mr.Shashi Dhar Jha, learned counsel  
appearing for the petitioner.

The present revision application has been filed  
against the order by which the learned court below has dismissed the  
suit coming to the conclusion that the suit is barred by res judicata.  
During the course of submissions, it could not be shown on behalf of



the petitioner that the earlier suit was fought between the same parties with regard to the same property for declaration of title. From the impugned order also, it transpires that the said fact has been noted alongwith the fact that the delivery of possession was also affected in pursuance to the decree passed in the earlier suit. In this view of the matter, this Court does not find that the learned court below has committed any error of jurisdiction or irregularity in deciding the said issue. No other submission has been made on behalf of the petitioner.

The revision application is, accordingly, dismissed.

(V. Nath, J)

Nitesh/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | NA         |
| Uploading Date    | 02.05.2017 |
| Transmission Date |            |

