

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Revision No.101 of 2014

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1. Smt. Nirmala Devi W/o Late Shailendra Nath Thakur
2. Smt. Punam
3. Kumari Babloo
4. Kumari Newla'
5. Kumari Shalini
6. Shiv Kumar Thakur
7. Asha Thakur All are alleged daughters and son of Late Shailendra Nath Thakur @ Shailendra Thakur R/o Champanagar, P.O.- Champa Nagar, P.S.- Nath Nagar, Dist- Bhagalpur at present at Sheopur, P.S. and Distt.- Godda (Jharkhand)- All through guardian as petitioner no. 1 who gave regd. power of attorney to Dr. S.K. Mishra
8. Smt. Nootan Mishra D/o Late Shailendra Nath Thakur W/o Dr. S.K. Mishra, Vill.- Gosai Daspur, P.S.- Nathnagar, Distt. Bhagalpur

.... Petitioner/s

Versus

1. Smt. Geeta Devi W/o Sri Bindeshwari Thakur R/o Kauwakoli Road, South of Mans Kamna Chawk, PS & PO- Nathnagar, Dist- Bhagalpur, Bihar

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar Sinha
Mr. Rakesh Kumar
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

4 06-04-2017 Heard learned counsel for the petitioners on the point of admission.

The petitioners have challenged the order dated 11.04.2014 passed by the learned Additional Munsif VIII, Bhagalpur in Title Suit No. 175/1988, by which he rejected the petition filed under Order 14 Rule 1 and 2(2) as well as under Section 4(1) of the Benami Transaction Prohibition Act, 1988,



Order 7 Rule 11 (d) as well as Order 12 Rule 6 of the CPC on the ground that on earlier occasions similar nature of petitions were filed by the petitioners and the same were rejected up to this Court.

The learned counsel for the petitioners submits that earlier the petition was filed before the trial court to decide the issue of Benami Transaction framing preliminary issue and the said prayer was rejected up to this Court and subsequently, petition was filed to decide the question of Benami Transaction on the admission of the plaint, but the learned court below misconstrued the aforesaid and rejected the prayer of the petitioner.

The perusal of the impugned order goes to show that earlier petitioners raised a question that the aforesaid suit is hit by Benami Transaction Act and admittedly, the aforesaid prayer of the petitioner was rejected up to this Hon'ble Court in Civil Revision No. 2197 of 2007, but again in guise of the same relief, the petitioners filed another petition which was rejected by the court below. The learned court below also noticed that the aforesaid suit was filed in the year 1988, but the petitioners by hook or crook tried to stop the hearing and disposal of the aforesaid title suit and accordingly, the trial court imposed a cost



of Rs. 2,000/- upon the petitioners.

I do not find any ground to interfere into the impugned order passed by the learned court below and in my view, the learned court below rightly imposed cost of Rs. 2,000/- upon the petitioners and accordingly, this revision petition stands dismissed on its admission stage itself with direction to the trial court to proceed with Title Suit No. 175 of 1988 and dispose of the same as early as possible, preferably, within four months from the date of receipt/production of a copy of this order, if the said suit has not been disposed of as yet.

(Hemant Kumar Srivastava, J.)

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