

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.764 of 2018

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1. Vishwanath Prasad, Son of Yugal Sah @ Yugal Prasad, Resident of Mohalla Bhavdepur, W.No. 12 (old) 21 (New), P.S.- Sitamarhi Anchal Riga, District- Sitamarhi.

.... Appellant/s

Versus

1. Kanti Devi, W/o Late Ram Sagar Sah, R/o Village + P.O.- Manik Chowk, P.S.- Runnisadipur, District- Sitamarhi.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Alok Kumar Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

2 13-08-2018

Heard the learned counsel for the petitioner.

By the impugned order dated 12.03.2018 the learned court below rejected the petition of the petitioner for a direction to the defendant to execute the sale deed in his favour.

The petitioner is the plaintiff. The petitioner/plaintiff filed the suit for declaration of the sale deed said to have been executed by him in favour of sole defendant as null and void, forged and fabricated. During the pendency of the suit the petitioner filed a petition that defendant has not put her signature either on written statement or on Vakalatnama but the petition of the petitioner was rejected on 25.08.2017. However, the defendant was directed to appear in person. The petitioner again filed a



petition that he is ready to deposit the consideration amount in court and the requisite sale deed be executed in his favour. The same petition was rejected on 12.03.2018 holding that defendant has already appeared in court and also filed her Aadhar Card saying that allegation of imposture against the defendant is false.

I do not find any illegality in the impugned order as the suit is still pending and at this stage the defendant cannot be directed to execute the sale deed after receiving consideration money. Accordingly, this Civil Misc. petition is dismissed as devoid of any merit.

(Prabhat Kumar Jha, J)

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