

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10535 of 2012

1. Chutaru Paswan, son of Late Mahabir Paswan.
2. Musharu Paswan, son of Late Mahabir Paswan.
3. Ashok Paswan, son of Ram Tahal Paswan.
4. Anil Kumar Paswan, son of Ram Tahal Paswan,
residents of Village-Ratanpur Deori, P.O.- Mathurapur
P.S.-Kahalgaon, District-Bhagalpur.

... ..Plaintiffs-Petitioners

Versus

1. Sita Devi.
2. Ashok Singh, son of sukhdev Singh.
3. Hari Singh, son of Sukhdev Singh.
4. Abhinath Mahto, son of Lakhan Mahto.
5. Gulabo Devi, wife of Bharat Singh.
6. Raj Narain Singh, son of Ramashish Singh.
7. Bhagwati Singh, son of Satya Narayan Singh.
8. Bhikhari Singh, son of Late Gajadhar Singh.
9. Ram Nath Singh, son of Late Navin Singh.
10. Nirmal Mahto, son of Bharat Mahto.
Resident of Village-Ratanpur Deori, P.O.-Mathurpur,
P.S.-Kahalgaon, District-Bhagalpur.

... ..Defendants--Respondents

Appearance :

For the Petitioner/s : Mr. Anish Ch Sinha
Mr. Sangha Mitra Ghosh, Advocates.
For the Respondents no.1(i) to 1(iv) : Mr. Manoj Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT

Date : 17-04-2018

Heard learned counsel for the petitioners and the respondents.

2. The present application has been filed for quashing the order dated 04.05.2012 passed by learned Munsif-Ist, Bhagalpur in Title Suit No.10 of 2001 whereby and whereunder the learned Munsif rejected the petition filed by these petitioners for substituting the legal heirs of Janki Singh, defendant no.1. The petitioners had filed aforesaid suit for declaration of right, title and



interest over the property mentioned in schedule-2 of the plaint and that the survey entries of suit land in the name of defendant is illegal, collusive and not binding on the plaintiffs.

3. At the time of hearing, the learned counsel for the respondents submitted that this application has become infructuous in view of the fact that the suit of the plaintiff has been dismissed for non-prosecution as per order dated 23.09.2016 passed in Title Suit No.10 of 2001. The learned counsel filed certified copy of order passed in the said suit. The learned counsel for the petitioners on the other hand prays for time for ascertaining the said fact.

4. In view of submission of learned counsel for the respondents and the fact that the case has been disposed of by the court below, this application has become infructuous. This application is, accordingly, dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	

