

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.12528 of 2013

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Bajinath Yadav Son Of Late Shiv Jatan Ahir Resident Of Village Chhotaki
Sanadia, P.O.- Ratanpur, P.S.- Ara Muffasil, District- Bhojpur

.... Petitioner/s

Versus

Mahendra Yadav Son Of Late Ram Tahal Ahir Resident Of Village Chhotaki
Sanadia, P.O.- Ratanpur , P.S.- Ara Muffasil, District- Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
Mr. Barun Kumar, Advocate

For the Respondent/s : Mr. Mrigendra Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 08-05-2018

This application has been filed for setting the order dated 29.05.2013 passed by Sub Judge-Ist, Bhojpur at Ara in Title Appeal No.03 of 2010, order dated 03.11.2010 passed by Full Bench of Gram Katchery, Sanadia in Title Appeal No.01 of 2010 and order passed in case no.27 of 2010 passed by Gram Katchary.

2. Heard learned counsel for the petitioner and the respondent and perused the record.

3. At the time of hearing of this application, both the parties admitted that the value of disputed land under partition is over 32,000/- which is beyond the pecuniary jurisdiction of Gram Katchahari. It has been submitted that the Gram Katchahari decided the dispute relating to complicated question of title. The property in



dispute is covered by registered deed dated 02.07.1947 and 08.10.1947. The petitioner claimed 3/4th share in the said property whereas the respondent claimed half share. It has been submitted that the petitioner has filed a partition suit against the respondent vide P.S No.17 of 2012 which is pending for disposal before the court of Sub Judge 1st, Arrah.

4. In view of the above fact, I find that the Gram Katchahari has exceeded its jurisdiction while deciding the dispute between the parties. The Gram Katchahari, appellant authority as well as learned Sub Judge has erred in deciding the case without looking into the pecuniary jurisdiction of Gram Katchahari and also the nature of dispute.

5. In view of above, the impugned order, passed in Ist Appeal, by appellant authority and Gram Katchahari are not sustainable and are set aside and the dispute will be decided by the civil court where partition suit is pending disposal.

6. This application stands allowed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	

