

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.17573 of 2014

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Raj Kumar Paitti

.... Petitioner/s

Versus

The State of Bihar & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Amit Anand, Advocate

For the Respondent/s : Mr. SUNIL KR. MANDAL, SC-3
Mr. Arjun Prasad, Advocate.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 24-04-2018

This application has been filed by the defendants of Title Suit No.196 of 2002 pending in the Court of Sub Judge-III, Muzaffarpur. The petitioners have prayed to quash the Title Suit No.196 of 2002, in case, the Miscellaneous Case No.02 of 2010 is allowed and Title Suit No.196 of 2002 is restored to its original file.

2. Heard learned counsel for the petitioner and the respondents.

3. It appears that the respondents filed the aforesaid Title Suit No.196 of 2002 for declaration of title and recovery of possession over the suit property. The said suit was dismissed in default as the plaintiffs had left taking interest in the suit. The plaintiffs filed Miscellaneous Case which was allowed and the order dismissing the Title Suit No.196 of 2002 was set aside and the suit was restored to its original file as per order dated 21.12.2012. The case is pending for



trial before the court below. The grievance of learned counsel for the petitioner is that the suit is not maintainable as the land in question belongs to Arther Estate and after abolition of Jamindari, the land vested in the State of Bihar. The maintainability of suit cannot be decided before this Court and the points raised by the petitioner for adjudication is not sustainable fore this Court.

4. This application is devoid of merit and is accordingly dismissed. The petitioner is at liberty to raise the point of maintainability of suit before the court below. This application is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
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