

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.558 of 2018

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Masumat Malti Kunwar @ Malti Devi, Wife of late Buhari Singh, resident of Village- Bazarkona, P.S.- Kudra, District- Kaimur (Bhabhua).

.... Appellant/s

Versus

Kisun Singh, Son of Late Kesari Singh, Resident of Village- Bazarkona, P.S.- Kudra, District- Kaimur (Bhabhua).

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Saroj Kumar Sharma, Advocate
Mrs. Kiran Kumari Sharma, Advocate

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date: 27-07-2018

Heard learned counsel for the petitioner.

Petitioner has filed this Civil Miscellaneous petition against the order dated 16.02.2018 passed by Sub-Judge 1st, Kaimur, Bhabhua, in Miscellaneous Case No. 02A of 2003 by which the miscellaneous case filed by the petitioner for recalling the compromise decree passed in Partition Title Suit No. 299 of 1975 and restoring the same to its original file has been dismissed.

Learned counsel for the petitioner submits that there was partition between the parties in the year 1961 and decree was passed. The petitioner and the respondent were living separately after partition but the respondent filed Title Partition Suit No. 299 of 1975 and a compromise decree is alleged to have been passed on



21.03.1978. The respondent played fraud and obtained a compromise decree but the learned Sub-Judge has ignored all the facts and dismissed the miscellaneous petition of the petitioner. On perusal of the record, it appears that the Title Suit No. 299 of 1975 was decreed on compromise on 21.03.1978. The petitioner filed Title Suit No. 28 of 1993 for setting aside that compromise decree passed in Title Suit No. 299 of 1975 and the same was dismissed. The petitioner did not take any further step and only filed miscellaneous case in the year 2003.

Having considered the facts aforesaid, I do not find any reason to interfere in the matter. Accordingly, this Civil Miscellaneous petition is dismissed as devoid of merit.

(Prabhat Kumar Jha, J)

N.H./-Ragini

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	01-08-2018
Transmission Date	

