

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18312 of 2013

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Bhim Yadav @ Bhim Prasad Yadav Son Of Keshav Prasad Yadav Resident Of
Mirjganj, P.S. Arrah Town, District - Bhojpur

.... Petitioner/s

Versus

1. Bishwanath Prasad Son Of Late Mungeri Lal Resident Of Devi Asthan,
P.S. Arrah Town, District - Bhojpur
2. Suraj Prasad Keshri Son Of Late Bhavani Ram Keshri Resident Of
Waliganj Ahirpurva More, P.S. Arra Town, Bhojpur
3. Om Prakash Keshri Son Of Suraj Prasad Keshri Resident Of Waliganj
Ahirpurva More, P.S. Arra Town, Bhojpur
4. Jai Prakash Keshri Son Of Suraj Prasad Keshri Resident Of Waliganj
Ahirpurva More, P.S. Arra Town, Bhojpur
5. Bihar Government, Through Collector, Bhojpur, Ara
6. Officer Incharge, Ara, District - Bhojpur
7. Rajkishore Prasad Son Of Late Muni Lal Sah Resident Of Mohalla -
Abarpur Paar, P.S. Ara Town, District - Bhojpur
8. Savitri Deve W/O Late Daya Shankar Prasad Resident Of Mohalla -
Abarpur Paar, P.S. Ara Town, District - Bhojpur
9. Laxmi Narayan Sah Son Of Late Kanhiya Lal Sah Resident Of Mohalla -
Abarpur Paar, P.S. Ara Town, District - Bhojpur
10. Triyogi Narayan Son Of Late Baliram Prasad Resident Of Mohalla -
Abarpur Paar, P.S. Ara Town, District - Bhojpur
11. Om Prakash Son Of Late Baliram Prasad Resident Of Mohalla - Abarpur
Paar, P.S. Ara Town, District - Bhojpur
12. Yasoda Kuar W/O Late Baliram Prasad Resident Of Mohalla - Abarpur
Paar, P.S. Ara Town, District - Bhojpur
13. Binay Kumar @ Tunnuje Son Of Late Sri Ram Prasad Sah Resident Of
Mohalla - Abarpur Paar, P.S. Ara Town, District - Bhojpur
14. Kusum Devi Wife Of Late Santosh Kumar @ Mansha Sah Resident Of
Mohalla - Abarpur Paar, P.S. Ara Town, District - Bhojpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. GOPAL GOVIND MISHRA, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT
Date: 20-08-2018

Petitioner before this Court is plaintiff of Tile Suit No.549
of 2006. He has filed this application for quashing the judgment dated
12.06.2013 passed by District Judge, Bhojpur, Ara in Miscellaneous



Appeal No.43 of 2010.

2. Heard learned counsel for the petitioner.

3. It appears that the petitioner filed the aforesaid Title Suit No.549 of 2006 against the defendants and some of the government officials for declaration of his title. During the pendency of the suit, he apprehending dispossession filed a petition for injunction against the defendants. The learned Sub Judge-VIII after hearing the petitioner rejected the injunction petition. The petitioner filed Miscellaneous Appeal No.43 of 2010 for setting aside the order of court below which was also dismissed by the learned District Judge.

4. On perusal of impugned order, I find that the plaintiff has claimed title on the basis of long possession since the time of his ancestor. He has stated that the ex-landlord orally sold the land to his father in the year 1933 for a total consideration of Rs.65/- and since then the family of the petitioner is coming on in possession over the same. From the impugned order, it appears that the disputed land has been recorded as Gairmajura Malik describing the possession of Banjari Sah. The ex-landlord settled the plot to one Kanhaya Lal by virtue of two separate deeds of lease for a fixed period. After expiry of period of lease, the two sets of landlord filed Title Suit No.105-92 of 1952-53 against Kanhaiya Lal in the Court of Munsif-II, Ara. The suit was decreed and the judgment and decree were confirmed up to this



Court. The court below has observed that in the said prolonged litigation petitioner is no where. The trial court as well as Ist appellant court have observed that the petitioner neither disclosed the date of purchase nor his name cropped in the litigation which have been decided between the landlord and the lessee. The petitioner has not produced any chit of paper in support of his claim and accordingly, the prayer for injunction was rejected.

5. In view of above discussions, I find that the learned trial court as well as the Ist appellate court have rejected the prayer of the petitioner by a reasoned order. I do not find any jurisdictional error in refusing the injunction. This application is devoid of merit and is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	24.08.2018
Transmission Date	N/A

