

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18468 of 2013

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Ram Sahu @ Ram Sah son of Janardan Sahu, resident of village-Chikani, PS-Alauli, District-Khagaria.

... .. Petitioner/s

Versus

Upendra Yadav & Ors

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Durga Nand Jha
For the Respondent/s : Mr. Rishit Deo Kr. Singh

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT

Date : 06-12-2018

Petitioner is plaintiff of Title Suit No. 73 of 2009 pending in the court of Munsif, Rosera. He has filed this writ application for quashing the order dated 16.07.2013 passed by learned court below whereby and whereunder his prayer to decree the suit on the basis of pleading of defendants was rejected.

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

3. Plaintiff along with his two brothers filed the aforesaid Title Suit No. 73 of 2009 for declaration that the sale deed dated 16.05.1980 executed by Hardeo Singh in favour of Upendra Yadav and others with respect to land mentioned in schedule given at the foot of the plaint as forged and fabricated and the defendants did not acquire any right, title or possession over the said land. The defendants filed their written statement and denied the allegation



of plaintiff. The plaintiff filed a petition on 27.11.2011 praying therein to decide the suit on the basis of statement made in the written statement. The plaintiff has asserted that the defendants have not denied the case of plaintiff in their written statement rather they have accepted the case of plaintiff. The court below as per impugned order rejected the prayer observing that the defendants have not stated that the plaintiff purchased 1 bigha 15 katha land in dispute. The court below further observed that the statement made by the plaintiff in the petition is vague and not supported with an affidavit and so no decree can be passed without trial of the suit. The court below has thus rightly rejected the petition filed by the plaintiff.

4. In view of above facts, I do not find any merit in this writ application and is accordingly dismissed.

(Sanjay Kumar, J)

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