

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.444 of 2017

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1. Devandar Yadav @ Devendra Prasad Yadav.
2. Upendra Yadav
3. Pramanand Yadav
4. Desraj Yadav
5. Ramesh Yadav
6. Arun Yadav All Sons of Late Motilal Yadav, All Resident of Village Hasanpur, P.S. Raniganj, District Araria.

.... Petitioner/s

Versus

1. Dharmendra Yadav
2. Jaykumar Yadav
3. Sambhu Yadav All Sons of Late Banbari Yadav.
4. Jibachh Devi D/o Basuki Yadav
5. Aasha Devi D/o Banbari Yadav
6. Dajo Devi W/o Ramji Yadav
7. Sunil Yadav S/o Ramji Yadav All Residents of Village- Hasanpur, P.S. Raniganj, District- Araria.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Anil Prasad Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

3 24-09-2018 Heard learned counsel for the petitioners.

The petitioners have filed this petition against the order dated 22.07.2016 passed in Title Suit No.202 of 2002 by which the petition of the petitioners for calling the record of Title Suit No.1631 of 1964 has been dismissed.

Learned counsel for the petitioners submits that the record of Title Suit No.1631 of 1964 is relevant for the just decision of Title Suit No.202 of 2002 but I find no substance in the



submission of the learned counsel for the petitioners as the petitioners themselves stated in the petition that Title Suit No.1631 of 1964 was filed by the plaintiffs against the ancestor of the petitioners but that title suit was abated under Section 4(i)(c) of the Bihar Consolidation Act, therefore, the suit remains abated and no order was passed in the suit. I find that there is no relevancy of the record of Title Suit No.1631 of 1964 for decision in the present title suit which is pending for argument.

Accordingly, I do not find any merit in this civil miscellaneous petition and the same is dismissed.

(Prabhat Kumar Jha, J)

Saurabh/-

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