

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1061 of 2018

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1. Rajeshwar Mahto @ Rajeshwar Prasad, Son of Late Jagdev Mahto, resident of Village- Bediban Madhuban, P.O.- Bedigan, P.S.- Pipra, District- East Champaran, Substituted heir of Original Plaintiff No. 1 namely Jagdev Mahto.

.... Appellant/s

Versus

1. Most. Samundri Devi, Wife of Late Jogindra Mahto.
2. Bhupendra Kumar,
3. Rambhawan Kumar,
4. Raja Ram Kumar, Sl. No. 2 to 4 are sons of Late Jogindra Mahto, All 1 to 4 are resident of Village- Bediban Madhuban Tola Brindabadn, P.S.- Pipra, District- East Champaran.
5. Sripati Devi, Wife of Rajeswar Prasad, Daughter of Jogindar Mahto, resident of Village- Dhekaha, Fakira Tola, P.S.- Motihari, Muffasil, District East Champaran substituted heirs of Decree holder Defendant No.1 namely Jogindra Mahto.
6. Ramdas, Son of Late Devraj Mahto, resident of Village- Bediban Madhuban, P.O.- Bediban, P.S.- Pipra, District- East Champaran.
7. Most Tetari Devi, Wife of Jagdev Mahto,
8. Nand Lal Mahto, Son of Late Jagdev Mahto,
9. Smt. Dahari Devi, daughter of Late Jagdev Mahto,
10. Smt. Lalita Devi, daughter of Late Jagdev Mahto, Sl No. 7 to 10 are the substituted heirs of Original Plaintiff NO. 1 namely Jagdev Mahto,
11. Ganesh Mahto, Son of Jamadar Mahto,
12. Motital Mahto, Son of Ganesh Mahto.
13. Ramagya Mahto, Son of Late Ramlakhan Mahto
14. Ramjanam Bhagat, Son of Late Ramlakhan Mahto
15. Ram Kumari, Daughter of Late Ram Lakhan Mahto, All Sl.NO. 6 to 15 are resident of Bediban Madhuban, P.O.- Bediban, P.S.- Pipra, District- East Champaran.
16. Manoj Mahto, Son of Hajari Mahto,
17. Most Chhathia, Wife of Late Hajari Mahto, Sl.No. 16 and 17 are resident of Village- Banjarai, P.S. Pipra, P.O. Bediban, District- East Champaran.
18. Birendra Singh, Son of Late Jagat Singh, Resident of Village- Kotwa, P.S.- Kesaria, District- East Champaran.
19. Sheo Shankar Singh, Son of Late Ram Bahudur Singh, resident of Village- Chintamanpur, P.S. Pipra, P.O.- Chintamanpur, Distirct- East Champaran.
20. Ramsakhi Devi, Wife of Ram Awtar Mahto,
21. Rajbanshi Bhagat, Son of Ram Awtar Mahto,
22. Dinesh Bhagat, Son of Ram Awtar Mahto,
23. Surendra Bhagat, Son of Ram Awtar Mahto, Sl. No. 20 to 23 all are the resident of Village- Sakina, Mauja- Bediban P.O. - Bediban, Madhuban, P.S.- Pipra, District- East Champaran.
24. Sheo Chandra Mahto, Son of Late Rameshwar Mahto, Resident of Village- Amwa, P.S.- Pipra, District- East Champaran.



.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

2 18-08-2018 Heard the learned counsel appearing on behalf of the petitioner.

The petitioner is the judgment debtor. Petitioner filed this Civil Misc. petition against the order dated 15.12.2017 passed in Execution Case No. 03 of 2017/23 of 2015 by the learned Sub Judge-III, Motihari, East Champaran by which the learned Sub Judge allowed the petition of the decree holder to mention the boundary in the land mentioned in Schedule-C of the decree.

The learned counsel for the petitioner submits that during the pendency of the Execution Case, the petitioner filed Misc. Case No. 02 of 2015 for setting aside the judgment and decree passed in Title Partition Suit No. 62 of 1980. The house of the petitioner is standing on the land mentioned in Schedule-C of the decree and, therefore, the petitioner has also filed stay petition for staying of the Execution Case but on perusal of the order impugned, it appears that the learned Court did not reject the petition of stay rather passed the order making formal correction



in the boundary of Schedule-C land of the decree. Therefore, I do not find any jurisdictional error in the impugned order. Accordingly, this Civil Misc. petition is dismissed.

(Prabhat Kumar Jha, J)

BKS/Rajan

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