

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.64 of 2018

In

C.Misc. 1176 of 2016

=====

Vimla Devi & Anr

.... Petitioner/s

Versus

Sudhir Kumar Singh & Ors

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. S. D. Sanjay, Sr. advocate

For the Respondent/s : Mr. Shashi Shekhar Dwivedi, Sr. advocate

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

JHA

ORAL ORDER

4 27-06-2018 Heard Mr. S. D. Sanjay, the learned senior counsel
for the petitioners, and Mr. S. S. Dwivedi, the learned senior
counsel for the opposite parties.

This review petition has been filed to review the
order dated 10.01.2018 by which Civil Misc. No. 1176 of 2016
has been dismissed.

The learned senior counsel for the petitioners
submits that the plaintiff, in the garb of seeking relief with regard
to land mentioned in schedule-1 of the plaint, wanted to declare
the sale deed executed by his father in the year 1978 in favour of
defendants No.1 and 2 as illegal on account of non payment of
part consideration money.

Admittedly, the defendants filed petition under
Order 7 Rule 11 of the Code of Civil Procedure and the learned



Munsif, East, Muzaffarpur vide order dated 04.06.2016 dismissed the petition of the defendants. Against that order the defendants filed the Civil Misc. Petition No. 1176 of 2016. This court did not express, while dismissing the Civil Misc. petition, any opinion about the genuineness of the claim of the plaintiff with regard to setting aside the sale deed executed in favour of defendants No.1 and 2 in the year 1978 on account of non payment of part consideration money but held that since the plaintiff also claimed that the defendants are bent upon to encroach the land mentioned in schedule-1 of the plaint that is beyond the lands sold by the father of the plaintiff and on such ground the Civil Misc. petition was dismissed.

I do not find any reason to review the order dated 10.01.2018 passed in Civil Misc. No. 1176 of 2016 as I have not expressed any opinion with regard to relief No.2 of the plaint. Accordingly, this review petition is dismissed.

(Prabhat Kumar Jha, J)

BKS/-

U			
---	--	--	--

