

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.362 of 2016

In
SECOND APPEAL No.400 of 2013

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Dilip Chaudhary son of Late Laxman Chaudhary, resident of Village- Tarapur,
P.S.- Tarapur, District- Munger.

... .. Petitioner/s

Versus

Muslim Committee, Tarapur through its Secretary, Md. Jabbar, son of Late
S.K. Mamunat, resident of Mohalla- Tarapur, P.S.- Tarapur, District- Munger.

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dhananjay Kumar
For the Opposite Party/s : Mr.Ranjay Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 18-04-2019 Heard Mr. Dhananjay Kumar, learned counsel for the

petitioner and Mr. Abbas Haider, learned counsel for the

opposite party.

2. The petitioner filed this petition for review of the
judgment dated 20.05.2016 passed by learned Single Bench of
this Court in Second Appeal No.400 of 2013 by which the
second appeal preferred by the petitioner has been dismissed
holding that no substantial question of law arose in the appeal
for consideration.

3. Learned counsel for the petitioner submits that this
is admitted fact that the sole opposite party inducted the
petitioner into the suit premises as a tenant and the petitioner
was paying rent to the opposite party but there was dispute



between the Muslim Committee and the Kabristan Committee. Title Suit No.85 of 1996 was filed and fought between Muslim Committee and Kabristan Committee. Both sides entered into compromise and the suit premises fell in the share of Kabristan Committee, therefore, the relationship of landlord and tenant between the petitioner and the opposite party ceased to exist the moment the land in question fell in the share of Kabristan Committee by a compromise decree passed in Title Suit No.85 of 1996 but this aspect of the fact has not been considered by this Court while dismissing the second appeal.

4. From perusal of para 7 of the aforesaid judgment, it is crystal clear that this Court recorded the finding that the appellate court below had taken into notice the compromise decree passed in Title Suit No.85 of 1996, which was brought on record as additional evidence and marked as Ext.1. After scrutiny of the aforesaid document, the court below came to the finding that it does not support the case of the appellant that the suit property was given to the Kabristan Committee by the said decree. Both the courts below have taken into notice the deposition of Md. Nakimuddin, who has been examined as a witness on behalf of the defendant that he has no document to support the fact that he was the Secretary of Kabristan



Committee and after having considered all the facts this Court came to the conclusion that no substantial question of law is involved for consideration in the second appeal and accordingly, the second appeal was dismissed.

5. In this view of the fact, I find no error apparent on the face of the record. This review petition is devoid of merit, which is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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