

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.359 of 2017

In
SECOND APPEAL No.371 of 2009

=====

Prashant Singh, Son of Late Chandeshwar Prasad Singh, Resident of Village-
Gulni Kushaha, P.S.- Shambhuganj, District- Banka at Present resident of
Tarapur Hat, P.O. and P.S.- Tarapur, District- Munger.

... .. Petitioner/s

Versus

1. Chandra Shekhar Singh, Son of Late Yugal Kishore Singh.
2. Indu Shekhar Singh, Son of Chandra Shekhar Singh.
3. Smt. Ahilya Devi, Wife of Chandra Shekhar Singh, all resident of Village-
Sondiha (Tarapur), P.O. and P.S.- Tarapur, District- Munger.
4. Shambhu Prasad Singh, Son of Late Kapildeo Prasad Singh.
5. Nikki Devi, Daughter of Late Smt. Sudha Devi, Wife of Late Kapildeo
Prasad Singh, both 4 and 5 resident of Village Ramchua, P.S.- Shambhuganj,
District- Banka.
6. Rakumari Devi alias Raj Kumari, Wife of Sri Ranjeet Prasad Singh,
Resident of Village- Milki P.S.- Haweli Kharagpur, District- Munger.
7. The State of Bihar through the Collector, Munger.
8. The Collector Munger.
9. The Additional Collector, Land Reforms Munger.
10. The LRDC Sadar, P.S. and District- Munger.

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Indeshwari Prasad Mandal
For the Opposite Party/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

6 15-07-2019 Heard Mr. Ganpati Trivedi, the learned Senior counsel
appearing on behalf of the petitioner.

The petitioner has filed this petition to review the
judgment and order dated 11.08.2017, passed in S.A. No.371 of
2009 by which the second appeal was allowed setting aside the
judgment of the first appellate court and affirming the order of



the trial court passed in Title Suit No.20 of 1997.

Learned counsel for the petitioner submits that the petitioner is not a party to Title Suit No.20 of 1997. The petitioner filed application for his impleadment in Title Suit No.20 of 1997 on the ground that part of the suit property was settled in his favour. The petition was allowed. The plaintiffs of Title Suit No.20 of 1997 filed Civil Revision No.593 of 2004 and this Court by order dated 23.08.2004 set aside the order of impleadment of the petitioner in Title Suit No.20 of 1997 with liberty to the petitioner to file fresh suit for redressal of his rights. In pursuance of the order, the petitioner filed Title Suit No.32 of 2006 impleading the plaintiffs of Title Suit No.20 of 1997 and the State of Bihar as defendants. Title Suit No.32 of 2006 is still pending but in the mean time, Title Suit No.20 of 1997 was decreed. The State of Bihar filed Title Appeal No.5 of 2005 and the first appellate court allowed the appeal and dismissed the suit. Being aggrieved by the appellate court's order, the plaintiffs of Title Suit No.20 of 1997 filed S.A. No.371 of 2009 and this Court by judgment dated 11.08.2017 allowed the appeal, set aside the first appellate court's order affirming the judgment and decree passed by the trial court in Title Suit No.20 of 1997. The petitioner has already filed title



suit for declaration of his right and, therefore, he is not at all a necessary party in the suit.

In this view of the facts, I find that this review petition is misconceived and on such Mr. Ganpati Trivedi, the learned Senior counsel for the petitioner seeks permission to withdraw this review petition.

Prayer is allowed.

The review petition is dismissed as withdrawn.

It goes without saying that any finding recorded in the present case shall not prejudice the case of the petitioner in his own suit being Title Suit No.32 of 2006.

(Prabhat Kumar Jha, J)

S.KUMAR/-

U			
---	--	--	--

