

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Second Appeal No.397 of 2009**

---

1. RAMUGRAH SINGH  
2. Ram Pravesh Singh

... .. Appellant/s

Versus

1. BHIM SINGH  
2. Santosh Kumar Singh  
3. Binod Singh  
4. Manoj Singh  
5. Binay Singh @ Satish Singh  
6. Musmat Atarwashi Kuwar

... .. Respondent/s

---

**Appearance :**

For the Appellant/s : Mr. Ravi Shanakar Sahay  
For the Respondent/s : Mr. Binod Kumar Singh

---

**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA**  
**ORAL JUDGMENT**

**Date : 08-01-2019**

Heard Mr. Ravi Shankar Sahay, the learned counsel for the appellants, and Mr. Binod Kumar Singh, the learned counsel for the respondents.

2. The plaintiffs are the appellants. The plaintiffs filed the suit for declaration of title over R.S. plot No. 487 of R.S. Khata No. 230 carved out from C.S. plot. No. 416 of C.S. Khata No. 73 after correction of record of rights prepared in the name of Sirtaj Singh, father of defendant No.1, Bhim Singh, during the revisional survey.

3. The defendants/ respondents appeared and filed written statement stating that lands of C.S. plot. No. 416 of C.S. Khata No. 73 was in their possession and on the basis of possession during revisional survey R.S. plot No. 487 of R.S. Khata No. 230 carved out from C.S. plot. No. 416 of C.S. Khata No. 73 was recorded in the name of Sirtaj Singh, father of defendant No.1. The aforesaid land was never settled in favour of the



plaintiffs by the ex-landlord and on the basis of pleadings of both sides the learned Munsif, Bhabua framed the issues including issue No. 3 and 4 whether the revisional survey Khatian and map in respect to schedule Ka suit land is wrongly prepared and whether the plaintiff has got title and possession over the suit land.

4. The learned Munsif after appreciating all the documentary and oral evidence adduced by both sides found that the appellants/ plaintiffs have not produced any documentary evidence to show that the land of R.S. plot No. 487 of R.S. Khata No. 230 carved out from C.S. plot. No. 416 of C.S. Khata No. 73 was ever settled in their favour by the ex-landlord or land of R.S. plot No. 487 carved out from C.S. plot No. 416 was ever remained in possession of the plaintiffs rather the defendants were found in possession of the land and, accordingly, decided both the issues against the plaintiffs and dismissed the suit. The first appellate court also re-appraised the entire evidence and decided both the issues against the appellants. Thereafter, the appellants filed this appeal.

5. The learned counsel for the appellants submitted that both the courts below have erred in law in deciding the question that C.S. plot No. 416 of C.S. Khata No. 73 measuring area 5 decimals was never settled in favour of the plaintiffs by the ex-landlord but on perusal of the judgements of both the courts below I find that the learned Munsif as well as learned Additional District Judge-I have discussed the entire evidence and found that lands of C.S. Plot No. 416 of C. S. Khata No. 73 was never settled in favour of the plaintiff by the ex-landlord. The plaintiffs did not produce any documentary evidence of settlement of the aforesaid land of R.S. plot No. 487 of R.S. Khata No. 230 carved out from C.S. plot. No. 416 of C.S. Khata No. 73, area



5 decimal, and the same was recorded in the name of Sirtaj Singh, father of defendant No.1 on the basis of his possession. Even the report of Survey Knowing Pleader Commissioner shows that the land was in possession of the respondents and it has not been pointed out that any document or the evidence adduced by the plaintiffs/ appellants has not been properly considered. Therefore, I find no perversity in the judgements of the courts below. I also find that no substantial question of law is involved in this Second Appeal. Both the courts on facts have concluded that lands of R.S. plot No. 487 of R.S. Khata No. 230 carved out from C.S. plot. No. 416 of C.S. Khata No. 73 was never settled in favour of the plaintiffs and there is no error in recording the name of Sirtaj Singh, father of defendant No.1, in the revisional survey of rights.

Accordingly, this Second Appeal is dismissed as devoid of any merit.

**(Prabhat Kumar Jha, J)**

BKS/-

|                   |            |
|-------------------|------------|
| AFR/NAFR          | NAFR       |
| CAV DATE          | N.A.       |
| Uploading Date    | 09/01/2019 |
| Transmission Date | N.A        |

