

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.338 of 2012

In

Second Appeal No.735 of 2010

DHANO YADAV S/O LATE KANCHAN YADAV RESIDENT OF
VILLAGE- KATHBAZRA, P.S- JHAJHA, DISTRICT- JAMUI.

... .. Petitioner/s

Versus

SUDHA DEVI & ORS.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Muneshwar Prasad

For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA

ORAL ORDER

9 02-01-2019 Heard learned counsel for the petitioner.

This review petition is filed for reviewing the judgment and order dated 05.07.2012 passed in Second Appeal No.735 of 2010 by which the Second Appeal preferred by the petitioners-appellants has been dismissed.

Learned counsel for the petitioner submits that petitioner-plaintiff filed title suit seeking relief for declaration of title over the suit land on the basis of the oral settlement in the year 1920 and subsequently, the oral settlement was reduced to writing by deed of Hukumnama by ex-landlord on 12.05.1938. The suit was decreed disbelieving the defence version that the



Hukumnama dated 28.06.1939 was appeared to be apparently fictitious.

The defendants-respondents filed appeal and the first appellate court erroneously held that the Hukumnama dated 12.05.1938 cannot be believed and the same appeared to be suspicious. It is submitted that findings of the first appellate court is erroneous as the Hukumnama dated 30.06.1939 made in favour of the defendant was erroneously believed and it is a case of non-consideration and misinterpreting the oral and documentary evidence on record but it appears that this Court vide order dated 05.07.2012 passed in Second Appeal No.735 of 2010 has held that the first appellate court exhaustively discussed the evidence of both sides and also considered the Hukumnama of 1938 made in favour of the petitioner and the Hukumnama of the year 1939 in the name of the mother of the defendant No.1 and found that on the basis of the sound reasoning accepted the evidence of the defendant-respondents and held that the findings of the first appellate court does not require any interference as the first appellate court considered the oral as well as documentary evidence of both sides, unless it is found that finding is perverse or arrived at without taking into consideration the material facts and the documents available on



record. Therefore, I do not find any merit in this civil review petition.

Accordingly, this civil review petition is dismissed.

(Prabhat Kumar Jha, J)

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