

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.138 of 2017

In
SECOND APPEAL No.459 of 2012

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Ramdhari Padit and Ors

... .. Petitioner/s

Versus

Bishwanath Pandit and Ors

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandra Kant
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 06-09-2019 Heard the learned counsel for the petitioners.

The learned counsel for the petitioners submits that it is not a fact that petitioners did not file any document showing their title and there is apparent error on record and, thus, the order dated 28.11.2016 passed in S.A. No. 459 of 2012 is required to be interfered but I find no substance in the submission of the learned counsel for the petitioners.

Admittedly, the land was standing in the name of Ram Khelawan and Ram Khelawan executed sale deed in favour of Mahanth Kumar on 21.06.1954. The petitioners are purchasers from one of the sons of Ram Khelawan and they claimed title over the land by virtue of registered partition deed dated 27.10.1956. It is evident that Ram Khelawan and his wife did not participate in the partition of the property and the learned



first appellate court disbelieved the story of partition. Accordingly, I find that petitioners had no title by virtue of sale deed executed by one of the sons of Ram Khelawan as the Ram Khelawan had already sold the suit property in the year 1954.

Having considered the facts aforesaid, I find no merit in this Civil Review Petition and the same is, accordingly, dismissed.

(Prabhat Kumar Jha, J)

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