

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.153 of 2018

In
Civil Writ Jurisdiction Case No.10535 of 2012

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1. Chutaru Paswan Son of Late Mahabir Paswan Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
 2. Musharu Paswan Son of Late Mahabir Paswan Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
 3. Ashok Paswan Son of Ram Tahal Paswan Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
 4. Anil Kumar Paswan Son of Ram Tahal Paswan Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.

... .. Petitioner/s

Versus

1. Sita Devi Wife of Late Bir Bahadur Singh Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
2. Mantu Singh Son of Late Bir Bahadur Singh Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
3. Manju Devi D/o Late Bir Bahadur Singh Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
4. Buchi Devi D/o Late Bir Bahadur Singh Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
5. Chhoti Kumari D/o Late Bir Bahadur Singh Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
6. Ashok Singh S/o Sukhdev Singh Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
7. Ajodhi Singh S/o Late Hari Singh Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
8. Natreshwar Singh Son of Late Hari Singh Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
9. Sambhu Singh Son of Late Hari Singh Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
10. Abhinath Mahto Son of Lakhan Mahto Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
11. Gulabo Devi W/o Bharat Singh Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
12. Dhananjay Singh Son of Late Raj Narain Singh Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
13. Santosh Singh Son of Late Raj Narain Singh Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
14. Bhagwati Singh Son of Satya Narayan Singh Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.



15. Bhikhari Singh Son of Late Gajadhar Singh Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
16. Ram Nath Singh Son of Late Navin Singh Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.
17. Nirmal Mahto Son of Bharat Mahto Resident of Village- Ratanpur Deori, P.O.- Mathurapur, P.S.- Kahalgaon, District- Bhagalpur.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anish Chandra Sinha
For the Opposite Party/s : Mr.

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 18-09-2019 The present petition has been filed for review of the order dated 17.04.2018 passed in CWJC no. 10535 of 2012, whereby and whereunder the writ petition has been dismissed as having become infructuous, on account of the fact that the suit of the plaintiff itself, as on that date, had stood dismissed for non-prosecution as per the order dated 23.09.2016 passed in T.S. no. 10 of 2001. This Court had come to a conclusion that since the suit in question, had been dismissed for non-prosecution, no useful purpose would be served by quashing the order dated 04.05.2012 passed by the learned Munsif Ist, Bhagalpur in T.S. no. 10 of 2001, whereby and whereunder the prayer of the petitioner herein for substituting the legal heirs of the defendant no. 1 has been rejected.

The learned counsel for the petitioner informs this Court that the petitioners herein have already filed a petition for



restoration of the aforesaid Title Suit no. 10 of 2001, before the learned Court of Munsif Ist, Bhagalpur.

This Court is of the opinion that since the aforesaid suit bearing T.S. no. 10 of 2001 has not stood restored till date, there is no change in the circumstances, from the date, the order under review dated 17.04.2018 was passed, till date. Accordingly, this Court finds that the present review petition is not maintainable at the moment, however liberty is granted to the petitioners to approach this Court, as and when the aforesaid Title Suit no. 10 of 2001 is restored by the learned Court below.

The present review petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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