

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.471 of 2020

Shri Ram Janki Ji Pratima Swaroop Birajman son of Sri Uma Nath Pandey,
Sebait and Pujari of Village - Phoolkaha, P.O.- Phoolkaha, P.S.- Shyampur
Bhataha, Sub - Division and District- Sheohar.

... .. Petitioner/s

Versus

1. Kashi Nath Pandey son of late Jagarnath Pandey.
2. Smt. Kiran Devi, wife of Rampati Chaubey and daughter of late Baikunth Nath Pandey of village - Bhopatpur Chaubey Tola, P.S. - Kotala, District- East Champaran.
3. Smt. Adhar Devi, wife of late Trilokinath Pandey.
4. Smt. Seema Devi, wife of Rebati Raman Ojha Daughter of late Baikunth Nath Pandey of village - Ram Garha, P.S.- Ram Garhwa, District- East Champaran.
5. Smt. Poonam Devi, wife of Navalesh Pandey Daughter of late Baikunth Pandey of village - Bediban Madhuban, P.S.- Pipara, District- East Champaran.
6. Smt. Pushpa Devi, wife of Ranbir Tiwari Daughter of late Baikunth Padney of village - Parekha Parer, P.S.- Dhaka, District- East Champaran.
7. Chitralkha Devi, wife of Chaturbhuj Mishra Daughter of late Trilokinath Pandey of village - Rampurba, P.O. - Rmapur Khajoria, P.S. - Dumaria Ghat, District - East Champaran.
8. Suchita Devi, wife of Chaturbhuj Mishra Daughter of late Trilokinath Pandey of village - Sariya, P.O.- Rampur Khajoria, P.S.- Dumaria Ghat, District- East Champaran.
9. Sulekha Devi, wife of Rakesh Pandey Daughter of late Trilokinath Padney Kumar Pandey son of Kashinath Pandey of village - Bhadiwan Mddhuban, P.O.- Pipra, P.S. - Pipra, District - East Champaran.
10. Kumar Pandey, son of Kashinath Pandey, village - Phulkaha, P.S. - Shyampur Bhataha, Sub - Registry Sheohar, District - Sheohar.
11. Navin Kumar Pandey alias Nabi Pndey, son of Kashinath Pandey, village - Phulkaha, P.S. - Shyampur Bhataha, Sub - Registry Sheohar, District - Sheohar.
12. Sanjay Pandey, son of Kashinath Padney, village - Phulkaha, P.S. - Shyampur Bhataha, Sub - Registry Sheohar, District - Sheohar.
13. Raja Pandey, son of Kashinath Pandey, village - Phulkaha, P.S. - Shyampur Bhataha, Sub - Registry Sheohar, District - Sheohar.
14. Sunil Pandey, son of Baikunth Nath Pandey, village - Phulkaha, P.S. - Shyampur Bhataha, Sub - Registry Sheohar, District - Sheohar.
15. Arbind Kumar Pandey alias Kaushal Pandey, son of late Trilokinath Pandey, village - Phulkaha, P.S. - Shyampur Bhataha, Sub - Registry Sheohar, District - Sheohar.



16. Yatendra nath Tribedi, son of Yogendra Nath Tribedi of village - Phulkaha, P.S.- Shyampur Bhataha, Sub- Registry Sheohar, District- Sheohar.
17. Gaytri Devi, wife of Subodh Kumar Daughter of Yogendra Nath Tribedi of village - Magarhatta Hajipur, P.S. - Sadar Hajipur, district- Vaishali.
18. Savitri Devi, wife of Suresh Pandey Daughter of Yogendra Nath Tribedi of village - Umed Chhapra, P.S.- Shayampur Bhataha, District- Sheohar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Verma
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 23-11-2021 Heard learned counsel for the petitioner.

The learned counsel for the petitioner has submitted that vide order dated 08.01.2020, the learned 1st Appellate Court observed that if there would be relevancy of the documents filed on behalf of the appellant under Order XLI Rule 27 of the Code of Civil Procedure, it will be considered at the juncture of final hearing of the title appeal. Vide order dated 17.02.2020, the 1st Appellate Court has rejected the petition whereby the appellant has made a prayer before the court below that he has to challenge the order dated 08.01.2020 in the High Court.

The order dated 08.01.2020 itself shows that the application of the petitioner was not rejected, rather it was observed that if there would be relevancy, the documents given by the petitioner would be considered at the juncture of final hearing of the title appeal.



I do not think it proper to interfere with the order dated 08.01.2020 passed by the learned 1st Appellate Court. Accordingly, this petition is being disposed of with a direction that the papers filed on behalf of the appellant-petitioner should be considered at the time of final hearing of the title appeal, in case they are relevant to the fact in issue.

This Court would expect that the petitioner's Counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Nawneet Kumar Pandey , J)

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