

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1829 of 2016

In
Civil Writ Jurisdiction Case No.7329 of 2014

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1. Digo Yadav @ Digo Mahto Son of Late Puran Mahto
 2. Tarni Yadav Son of Late Murat Mahto
Both Resident of Village- Chhatakurum, P.S.- Chandramandih, District-
Jamui.

... .. Petitioner/s

Versus

1. Arjun Mahto Son of Late Huro Mahto Resident of Village Karna, P.o.-
Mohanpur, P.s.- Simultala, District- Jamui
2. Bhulo Mahto Son of Late Huro Mahto Resident of Village Karna, P.o.-
Mohanpur, P.s.- Simultala, District- Jamui
3. Narayan Mahto, Son of Late Sundar Mahto Resident of Village Karna, P.o.-
Mohanpur, P.s.- Simultala, District- Jamui
4. Dilip Mahto, Son of Late Sundar Mahto Resident of Village Karna, P.o.-
Mohanpur, P.s.- Simultala, District- Jamui
5. Sahdeo Mahto, Son of Late Jhabbu Mahto, Resident of Village Karna, P.o.-
Mohanpur, P.s.- Simultala, District- Jamui
6. Kochi Mahto, Son of Late Dwarika Mahto Resident of Village Karna, P.s.-
Simultalla, District- Jamui
7. Budhu Mahto, Son of Late Lutan Mahto Resident of Village- Karna, P.s.-
Simultalla, District- Jamui
8. Nemani Mahto, Son of Late Lutan Mahto Resident of Village- Karna, P.s.-
Simultalla, District- Jamui
9. Hemlal Mahto, Son of Late Lutan Mahto, Resident of Village- Karna, P.s.-
Simultalla, District- Jamui
10. Anandi Mahto, Son of Late Laxman Mahto, Resident of Village- Karna, P.s.-
Simultalla, District- Jamui
11. Tilo Mahto, Son of Late Laxman Mahto, Resident of Village- Karna, P.s.-
Simultalla, District- Jamui
12. Anju Mahto, Son of Late Laxman Mahto, Resident of Village- Karna, P.s.-
Simultalla, District- Jamui
13. Kamleshwar Mahto, Son of Late Puran Mahto, Resident of Village-
Chhatakurum, P.s.- Chandramandih, District- Jamui
14. Nunpat Mahto, Son of Late Jeevlal Mahto, Resident of Village-
Chhatakurum, P.s.- Chandramandih, District- Jamui
15. Devi Mahto, Son of Late Lakhu Mahto, Resident of Village- Chhatakurum,
P.s.- Chandramandih, District- Jamui
16. Harwa Mahto, Son of Late Lakhu Mahto, Resident of Village- Chhatakurum,
P.s.- Chandramandih, District- Jamui



17. Mathura Mahto, Son of Late Lakhu Mahto, Resident of Village-Chhatakurum, P.s.- Chandramandih, District- Jamui
18. Vishwanath Mahto, Son of Ganesh Mahto, Resident of Village-Chhatakurum, P.s.- Chandramandih, District- Jamui

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satya Prakash Parasar, Advocate
For the Opposite Party/s :

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 15-12-2021 Having heard learned counsel for the parties, no case for interference is made out. Parties have been litigating since the year 2002 and sufficient opportunities were afforded to the parties to lead their evidence.

Petitioners laid challenge to the order whereby request for leading additional evidences was turned down. On 17.02.2016, petitioners' challenge was dismissed for non-prosecution.

The application for recall of the order and restoration of the petition was filed in May, 2016. No ground sufficient enough is made out for interfering, justifying recall of the order, for the application is vague with regard to cause for non-appearance at the time when the matter was called.

This Court is definitely of the view that litigation, pending since 2002, must come to an end at the earliest. Also, sufficient opportunity was granted to the petitioners to press the



contents of an unregistered gift deed. Hence, the present application stands dismissed.

Trial Court shall proceed and decide the matter expeditiously, uninfluenced of the observation made in this order.

(Sanjay Karol, CJ)

Sujit/-Ashwini

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