

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1241 of 2018**

1. Alok Kumar
2. Ramesh Kumar,
3. Anil Kumar,
4. Narendra Kumar,
5. Chandra Bhushan Prasad,
6. Dilip Kumar,
7. Praveen Kumar, All are Sons of Late Nawal Kishore Prasad,
8. Smt Chanda Devi, W/o Sri Sudhir Kumar, D/o Late Nawal Kishore Prasad,
9. Smt Ragini Devi, W/o Sri Anil Kumar Late Nawal Kishore Prasad,
10. Anoop Kumar, S/o Sri Ramesh Kumar,
11. Ashish Kumar, S/o Sri Ramesh Kumar, All are R/o Village and P.O.- Susta, P.S.- Sadar, District- Muzaffarpur.

... .. Petitioner/s

Versus

Mostt. Manorama Devi W/o Late Upendra Nath Shrivastav, R/o Village and P.O.- Susta, P.S.- Sadar, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Manoj
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 21-09-2022 The petitioners are the appellants-defendants in Title Appeal No. 14 of 2000, which got abated by order, dated 01.09.2019, at the instance of the petitioners inasmuch as the petitioners filed a petition before the learned Appellate Court under Sections 4 (b) and 4 (c) of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 stating therein that the appeal cannot proceed as the suit land and its area has been covered under the notification, dated 06.09.1975,



issued under Section 3 of the Act. In other words, according to the petitioners, the consolidation proceeding was active in the concerned village/area. By the said order, the appeal as well as the original suit also got abated.

The respondent-plaintiff thereafter filed CWJC No. 15431 of 2013 before this Court, contending therein that they have obtained information under Right to Information Act, that the suit land is not covered by the consolidation proceeding. Taking note of the submissions advanced by learned Counsel for the respondent-plaintiff, the co-ordinate Bench of this Court, vide order, dated 16.01.2017, granted her liberty to seek remedy available to her in accordance with law. In pursuance thereof, the respondent-plaintiff filed a petition for revival of the appeal as well as the suit, which is still pending.

A petition has been filed by the petitioners before the concerned Court below that the petition filed by the respondent-plaintiff in pursuance of the order, dated 16.01.2017, passed in CWJC No. 15431 of 2013, amounts to filing review and is not entertainable. This petition has been rejected by the learned Court below. The petitioners have preferred this application against rejection of this petition.

I have heard learned Counsel for the petitioners.



It appears that the petition for the revival of the appeal/suit is still pending and in the mean while, the petitioners have filed a petition that the said petition is in the nature of review and is not maintainable.

I find no infirmity in the impugned order passed by the learned Court below rejecting the petition filed by the petitioners particularly in view of the fact that the petition, which has been filed in pursuance of the order, dated 16.01.2017, passed in CWJC No. 15431 of 2013, is still pending.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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