

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVIEW No.269 of 2019

In
SECOND APPEAL No.350 of 2018

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Smt. Kiran Sinha @ Meena Devi D/o Late Rajendra Prasad W/o Shri Sant Kumar Verma, Resident of Kalamanch, Bakerganj, P.S.- Kadamkuan, P.O.- Bankipore, Dist- Patna.

... .. Petitioner

Versus

1. Rupesh Kumar Shahi S/o Rajkumar Prasad Narayan Shahi Resident of Mauza Rupauli, P.s.- Saraiya, Distt.- Muzaffarpur, at present residing at Kalamanch compound Bakerganj, P.s.- Kadamkuan, Distt.- Patna
2. Rupam Shahi D/o Rajkumar Prasad Narayan Shahi Resident of Mauza Rupauli, P.s.- Saraiya, Distt.- Muzaffarpur, at present residing at Kalamanch compound Bakerganj, P.s.- Kadamkuan, Distt.- Patna
3. Krishna Kumar Prasad Narayan Shahi S/o Gajadhar Prasad Narayan Shahi Resident of Mauza Rupauli, P.s.- Saraiya, Distt.- Muzaffarpur, at present residing at Kalamanch compound Bakerganj, P.s.- Kadamkuan, Distt.- Patna
4. RaMlala Sahi S/o Late Jainandan Prasad Shahi Resident of Rupauli, P.s.- Sariya, Dist.- Muzaffarpur

... .. Opposite Parties

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Appearance :

For the Petitioner/s : Mr. Anand Kumar, Advocate
For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 01-08-2023 Heard learned counsel for the petitioner.

2. Learned counsel for the petitioner has taken this Court through paragraph '5' of the order under review whereunder it is stated that both the courts have held that defendant no. 1-appellant did not produce any chit of paper to show that defendant no. 1 paid any consideration amount in the year 1954 to Jai Nandan Prasad Narayan Sahi. Learned counsel submits that both the learned court below had failed to appreciate that it was not the case of the plaintiff that the sale



deed executed by Jai Nandan Prasad Narayan Sahi in favour of the vendor of the petitioner was without consideration. It is submitted that if it was not the case of the plaintiff then the suit could not have been decreed by holding that the defendant no. 1-appellant did not produce any chit of paper to show that defendant no. 1 paid any consideration amount in the year 1954.

3. This Court has gone through the copy of the plaint and the judgments of the learned trial court as well as the appellate court.

4. In fact, the plaintiff's case was that Shri Jai Nandan Prasad Narayan Sahi had no right, title and authority to execute a sale deed in respect of the property in question.

5. This Court finds that no error apparent on the face of the record has been shown, hence, the order under review is in accordance with the materials available on the record.

6. This review application has no merit. It is dismissed.

(Rajeev Ranjan Prasad, J)

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