

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.44 of 2016

1. Brahmdeo Prasad Tagore and Ors son of late Ramdhari Prasad Singh.
2. Subodh Prasad Tagore.
3. Awadesh Prasad Tagore.
4. Birju Prasad Tagore.
5. Ravi Prasad Tagore. Petitioner No. 2 to 5 are sons of Brahmdeo Prasad Tagore. All Resident of Village- Karna, P.O. and Police Station- Parbatta, District- Khagaria, At present residing at Moh. and P.S.- Ishak Chak, Bhagalpur.

... .. Petitioner/s

Versus

1. Upendra Prasad Singh and Ors S/O Late Asharfi Prasad Singh.
2. Deepak Kumar Pankaj @ Munna.
3. Kumar Deepak Pankaj @ Bablu.
4. Pankaj Kumar Deepak @ Dablu.
5. Gogandeo. Respondent No. 2 to 5 are sons of Upendra Prasad Singh. All Resident of Village- Karna, P.O. and Police Station- Parbatta, District- Khagaria, Present Address- Mohalla- Ishakchak, Near Gaytri Mandir, P.S.- Ishakchak, District- Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Rama Nand Poddar, Adv.
		Mr.Rahul Kumar Mishra, Adv.
For the Respondent/s	:	Mr.DiwakarUpadhyaya, Adv.

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

ORAL ORDER

15 05-01-2024 A prayer has been made for adjournment of the case on behalf of the petitioners. A number of adjournments have already been given to the petitioners. It is not possible to give further adjournment.

2. This civil revision has been preferred against the order and decree dated 18.04.2015 whereby the suit of the



petitioner (T.S. Case No. 35 of 2014) was decreed on contest under Section 6 of the Specific Relief Act, 1963. The learned court below, after appreciating the evidences adduced by the parties, have decreed the suit of the plaintiff.

3. Learned counsel for the opposite party has submitted that the Hon'ble Supreme Court in case of *Sanjay Kumar Pandey & Ors. Versus Gulbahar Sheikh & Ors.*, reported in 2004, Supreme Court SC 414 (Civil Appeal No. 2040/2004) has held that remedy for the unsuccessful parties in a suit under Section 6 of the Specific Relief Act is to file regular suit. The remedy of filing a revision is only in exceptional cases.

4. This revision petition is dismissed and the petitioner, if so advised, may file a regular suit in the court of competent jurisdiction.

(Nawneet Kumar Pandey, J)

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