

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1162 of 2019

Pramod Kumar Singh S/o Late Ramraj Singh Resident of Village Narikhurd, PS Tisiyouta, Dist. Vaishali.

... .. Petitioner/s

Versus

1. Shambhu Prasad Singh S/o Ganga Prasad Singh, Resident of Village Narikhurd, PS Tisiyouta, Dist. Vaishali.
2. Chandan Kuamr @ Sonu Singh, S/o Late Vijay Kumar Singh Resident of Village Narikhurd, PS Tisiyouta, Dist. Vaishali, Presently residing at Village Kishanpur, PS Tharbitta, P.S. Kishanpur, Dist. Supaul.
3. Alok Kumar @ Monu Kumar S/o Late Vijay Kumar Singh Resident of Village Narikhurd, PS Tisiyouta, Dist. Vaishali, Presently residing at Village Kishanpur, PS Tharbitta, P.S. Kishanpur, Dist. Supaul.
4. Ajay Kumar Singh S/o Ramraj Singh Resident of Village Narikhurd, PS Tisiyouta, Dist. Vaishali, Presently residing at Village Kishanpur, PS Tharbitta, P.S. Kishanpur, Dist. Supaul.
5. Sanjay Kumar Singh S/o Ramraj Singh Resident of Village Narikhurd, PS Tisiyouta, Dist. Vaishali, Presently residing at Village Kishanpur, PS Tharbitta, P.S. Kishanpur, Dist. Supaul.
6. Sudha Devi W/o Birendra Singh, Resident of Village Babupur, PO Kishanpur, PS Warlshnagar, Dist. Supaul.
7. Bimal Devi W/o Ratnesh Kuamr Singh, Resident of Village Mohan Barhiyam, PO Sakri, PS Sakri, Dist. Madhubani.
8. Anju Devi W/o Ratnesh Singh Resident of Village Lautan, PO Gurmiya, PS Kartaba OP., Dist. Vaishali

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Prashant Sinha, Advocate
For the Respondent/s : Mr. Ranjan Kumar Dubey, Advocate

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

12 15-09-2025 Petitioner – Pramod Kumar, has filed the present Civil Miscellaneous No. 1162 of 2019 impugning the order of dismissal dated 02.03.2019 passed by learned Munsif 2nd Hajipur, Vaishali in Miscellaneous Case No. 02 of 2004 which was filed for setting aside the compromise decree



dated 11.03.1986 filed in Title Suit No. 42 of 1984 and for declaring the same as null and void.

2. Heard learned counsel for the petitioner as well as learned counsel for the respondents.

3. Learned counsel for the petitioner submits that one Ambika Prasad Singh was the common ancestor of both the parties who had two sons namely, Ganga Prasad Singh and Ramraj Singh. Ambika Prasad Singh executed a registered deed of gift dated 13.10.1969 in favour of Rajkumari Devi W/o Ramraj Singh and he also executed a registered sale deed on 27.09.1969 in her favour. Subsequently, Ganga Prasad Singh, another son of Ambika Prasad Singh filed a Title Suit No. 42 of 1984 (Ganga Prasad Singh Vs. Rajkumari Devi) for declaration of aforesaid deed of gift and registered sale deed as forged and fabricated in which a compromise decree was passed on 11.03.1986.

4. It is further argued by the learned counsel for the petitioner that after knowing the facts, that the said compromise decree in Title Suit No. 42 of 1984 was forged and fabricated because Rajkumari Devi never appeared in



that case nor filed her vakalatnama nor put her L.T.I. on the compromise petition. Hence, she filed a Title Suit No. 103 of 1992 Titled as Rajkumari Devi Vs. Ganga Prasad Singh and Ors. Subsequently, after death of both the parties, their legal heirs were substituted and lastly that suit was dismissed on 29.05.2003 on the ground of non-maintainability. Against that order, petitioner filed Civil Revision No. 1265 of 2003 (Annexure-2) i.e., Pramod Kumar Singh Vs. Shiv Kumari Devi. That case was disposed of on 07.11.2003, granting a liberty to file a petition before the same Court or to file an appeal as laid down by the Apex Court in the case of *Banwari Lal Vs. Chando Devi & another* reported in (1993) 1 SCC 581. After passing of this order, and after getting liberty of this Hon'ble Court, the petitioner filed Miscellaneous Case No. 02 of 2004 to set aside the compromise decree dated 11.03.1986 passed in Title Suit No. 42 of 1984.

5. In that Miscellaneous Case, moot question was before the Court that whether the thumb impression of Rajkumari Devi put on compromise petition as well as Vakalatnama filed in Title Suit No. 42 of 1984 was genuine



or forged or by impersonating some other lady in place of Rajkumari Devi.

6. From the impugned judgment, it clearly transpires that petitioner/applicant has nowhere taken any stand or attempted to prove the aforesaid L.T.I of Rajkumari Devi put on compromise petition or vakalatnama as forged or fabricated by getting it compared with any admitted/genuine document showing the L.T.I of Rajkumari Devi.

7. The learned counsel appearing on behalf of petitioner fairly submits that although there was one such vakalatnama which was filed in Title Suit No. 103 of 1992 filed by the Rajkumari Devi but the same has not been compared with the disputed L.T.I put on vakalatnama or compromised petition filed in Title Suit No. 42 of 1984.

8. The forgery of said compromise decree as alleged in Title Suit No. 42 of 1984 can only be ascertained by the aforesaid fact, not by the oral evidence which has not been made by the petitioner.

9. Hence, after going through the entire oral and documentary evidence it clearly transpires that the learned



Trial Court has correctly found and held that there is nothing on the record which could create any suspicion regarding the compromise petition as forged and fabricated and petitioner has failed to prove his case and allegation of forgery levelled against defendant/respondent. After going through the entire facts, I come to the conclusion that there is no illegality and impropriety in the aforesaid impugned order passed by Munsif 2nd on 02.03.2019 in Miscellaneous Case No. 02 of 2004 and accordingly, it is upheld and the present Civil Miscellaneous application stands **dismissed**.

(S. B. Pd. Singh, J)

Ankit Kumar/-

U			
---	--	--	--

