

GHS
27/1/13

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdictions case)

C.W.J.C No.----- of 2013 .

Ramesh Sah & ano ----- Petitioners

Versus

The state of Bihar & others ----- Respondents

Sub: - Mutation case

INDEX

Sl.No	Particulars	Pages
1	An application with affidavit.	1-8
2.	Annexure -1 true photocopy of the order dated 31.01.1984	9-15
3.	Annexure -2 true photocopy of the order dated 03.10.1985	16-21
4.	Annexure -2 true photocopy of the order dated 30.04.1988	22-24
5.	Vakalatnama	

IN THE HIGH COURT OF JUDICATURE AT PATNA

(Civil Writ Jurisdictions case)

C.W.J.C. No----- of 2013

Ramesh Sah & ano-----Petitioners

v/s

The State of Bihar & Others -----Respondents

In the matter of an
application U/A 226 of
the constitution of India.

And

In the matter of

1. Ramesh Prasad Sah son of Late Suryug Sah
2. Ratan Kumar Sah son of Abinash Sah both the
resident of village - Hathiaunda , P.S. - Bihariganj ,
District - Madhepura. ----- Petitioners.

Verses

1. The State of Bihar through Collector - Madhepura
2. Deputy Collector Land Reform -Uda Kishunganj,Distt - Madhepura.
3. Circle Officer -Bihariganj, Distt -Madhupura-----Respondents Ist set
4. Siyram Mandal Son of Late Sidhu Mandal.
5. Mukesh Mandal
6. Darogi Mandal both son of Siyaram Mandal all resident of vill-
Hathiaunda,P.S.-Bihariganj, District -Madhupura.Respondents 2nd sets
7. Neva Lal Das Son of Late Laxmi Das
8. Gurudeo Das Son of Late Bodhi Das

Assessment
- Presented Via *Madhupur*
A.O.R. No- 0461R

9. Kamleshwari Das son of Late Kuto Das
10. Ram Chandra Das son of Late Panchu Das
All residents of village – Hathiaunda ,P.S. – Bihariganj,
District - Madhupura. -----Respondents 3rd sets

Subject: - Mutation Matter

TO,

The Hon'ble MS Justice Rekha. M Doshit , the Chief Justice of
the Hon'ble High Court of Judicature at Patna and her companion
Justices of the said Hon'ble Court .

The humble petition on
behalf of the petitioners
above named :-

Most Respectfully Sheweth

- 1 . That by this writ application , the petitioners seek indulgence
of this the Hon'ble High Court for issuance of an appropriate
writ for the following reliefs :-
- (i) To direct the respondent No. - 2 Deputy Collectors Land
Reforms Uda- Kishunganj, Distt – Madhepura to pass the
order in Mutation case No-54 /11 - 12 ,55 / 11-12 , & 56/11-12
without any further delay as per law & merit of the case.
 - (ii) To direct the respondent No. - 2 Depty Collectors Land
Reforms Uda Kishunganj , Distt – Madhepura to inspect

the plots himself and call for the entries of records from the Circle Officer Bihariganj related to this case & after verifying the records passed the order.

- (iii) To direct the respondent No. - 2 Deputy Collectors Land Reforms Uda -Kishunganj not to sit over the matter for indefinite period. Which causes annoyance.
 - (iv) To grant any other relief / reliefs as to which the petitioners are entitled in the facts and circumstances of the case.
2. That the petitioner is a citizen of India.
 3. The the main points of law arises for consideration of this Hon'ble Court as follows.
 - (i) Whether the order dated 03.03.2011 , 25.10.2010 & 16.10.2009 passed by the respondent no- 3 Circle Officer ,Bihariganj in Mutation case no- 3545,1160 & 3495 without verifying the entries in records of right, is justified ?
 - (ii) Whether the order passed by the respondent no-3 in different mutation case above said without following the procedure laid down by the State Govt. time to time , is justified ?
 - (iii) Whether the act of the respondent no -3 Circle Officer, Bihariganj without going into the entirety of the title, interest & possession over the land, is justified ?
 - (iv) Whether the act of the respondent no -2 Deputy Collector Land Reforms, Uda kishunganj is not unjust & improper to

delay the mutation Appeal . Which is pending for about two years is justified ?

(v) Whether the of the respondent no - 2 Deputy Collector Land Reforms, Uda - kishunganj should not be punished for his illegal tact of practice & procedure ?

4 That the fact of this case is that the land in question appertaining to case khata no-354 , plot no – 200, Area -92 decimals of land was in the name of Sokhi Tatma & sumrit Tatma both are s/o Late Lalu Tatma sold the land in question in the hand of Banarasi Ram.

Banarasi Ram also sold the land in question to Upendra Das on 31.01.1956.

Upendra Das divided the plot no. - 200 Area -92 decimals in two parts, one part of 77 decimals of lands of R.S plot no- 1109 & second part of 15 decimal of land of R.S plot no-3425/1109.

In Revisional survey old khata no -354 come into existence as R.S khata no.-1008 & plot no-200 come into existence as plot no-1109 & plot no-3425/1109.

The respondent no- 2nd set in collusion with the Survey Officer Madhepura opened a new plot 3425/1109 in the name of Sokhi Tatma & Sumrit Tatma. The plot no-201 is the adjacent plot of plot no.- 200, plot no.- 201 is the plot of respondent no.- 2nd set.

The respondent no - 2nd set in collusion with the Survey officer opened a new khata no.-84 plot no-1109/200 total no.-77 decimals of land which is wrong.

Upendra Das sold the total land on – 26.08.1968 by three registered sale deed no. - 1823 / 1968 , 1822 / 1968 & 1824/1968 in the hand of Suryug Sah & others .

Father of the petitioner - 1 and Father of the petitioner – 2 have filed a title suit no - 16/81 before the learned Munsif Madhepura against Laxmi Das & others . The learned Munsif Madhepura after notice to the defendants & after hearing both the parties & perusing the records khatiyani maps & other related documents & also hearing the witnesses of both the sides passed the decree in favour of the plaintiffs Suryug Sah & others on 31 .01.1984

A true photocopy of the decree dated 31.01.1984 is annexed here with marked as Annexure -1 of the petition.

5. That the father of the petitioners Suryug Sah & others filed a execution case no.-6/1984 before the Munsif & execution was passed in favour of the father of the petitioners on 03.10.1985 .

A true photocopy of the execution case no - 6/1984 is annexed here with marked as Annexure -2 of the petition.

6. The defendants Ram Chandra Das & others filed a misc. case no - 5 / 87 against the order of decree dated 31.01.1984 passed in title suit no. - 16 / 81 by learned Munsif Madhepura. The learned

Munsif Madhepura after hearing both the parties rejected the misc. case no. 5/87 on 30.04.1988.

A true photocopy of the misc case no - 5/87 order dated 30.4.1988 annexed here with marked as Annexure - 3 of the petition.

7. That since the registry by Upendra Das in the hand of the father of the petitioners, they all are coming in peaceful possession over the land which was also decreed.
8. That after registry & decree , the father of the petitioners filed a petition before the C.O for mutation and for which a mutation case no. -145/87-88 was filed. After due procedure the land was mutated and jamabandi no.-1660 was opened in the name of the father of the petitioners and rent is being deposited since that period .
9. That on 06.10.1977 when the new khatiyān was prepared and when the petitioner & others knew that plot no-3425/1109 area 15 decimals of land which is the part land of plot no.-1109 is being opened in the name of Laxmi Das & others. The father of the petitioners approached to the father respondent no.-7 and requested them to make correction in the records of right which was done due to mistake .The father of the petitioners have no knowledge u/s 106 of the B.T act which was filed for the correction of the records of rights.
10. That the 15 decimals of land which is the land of dispute is being mutated in the camp court by the respondent - 3 in collusion with the respondents – 4 ,5 and 6 which was obtained by auction court sale

on 3.10.1985 on account of expenses incurred in the title suit no.-16/81 .

11. That Ram Chandra Das took the 15 decimals of land by gift from the hand of Sumrit Tatma which is already sold by Sumrit Tatma & his brother Sokhi Tatma to Banarasi Das.
12. That the petitioners have filed a mutation appeal before the respondent -2 Deputy Collector Land Reforms Uda - Kishunganj & still today the case is pending.

It is therefore , prayed that your lordships may graciously be pleased to admit the writ petition, call for the records and issue notice to the respondents and after hearing the parties, grant the reliefs sought in paragraph no .- 1 of the petition.

And/Or

Pass such other / orders as your

Lordship may deem fit & proper.

And for this the petitioner shall ever pray.

AFFIDAVIT

I, Ramesh Sah aged about 50 years, son of Late Suryug Sah resident of village -Hathiaunda, P.S -Bihariganj, District - Madhepura do hereby solemnly affirm and state as follows :-

- 1 That I am the petitioner and I am well acquainted with the facts and circumstances of the case.
- 2 That the contents of the affidavit and petition have been read over and explained to me in hindi which I have fully understood and the same are true to my knowledge and belief.
3. That the statement made in para 1 to 3, 7 to 10 are true to my knowledge and these para 4, 5, 6 are true to my understanding derived from the record and they are by way of submission to the court.
4. That the annexure is photocopy of the original.

Price 1/290
 1/290
 2018-19

Annexure - 1



प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की तिथि Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि उसे के लिए प्रतिनिधि तैयार की Date on which the copy was ready for delivery.	आवेदन को प्रतिनिधि देने की तारीख Date of sending over the copy to the applicant.
15.2.28		22.2.28	5.3.28	11.3.28

In the Court of B. Munsif at Mathhura

268

दिनांक- 14.2.29

1250

जयपुरा तालुका काठियावाड़... वकील

1000

वकील
 मथुरा, तालुका काठियावाड़... प्रसिद्ध

आदेश

1- श्रीमद्गुरुदास तालुका काठियावाड़ के मालिक हैं।
 आदेश नं. 869 का नं. 232 कि. मु. का.
 हाल में मथुरा जिला मथुरा तालुका काठियावाड़
 नं. 348 के तहत मुद्रा का 200 रु. का 1/4 जोर पर
 स्वकीय घोषित करने वाला नौ लेखनी करते
 हुए प्रकाशनाद से तालुका मथुरा नया घोषित
 हुए पर नया का खर्चों के अर्थ में नामों
 तालुका घोषित करने के निवेदन किए हैं।
 2- निवेदन के तहत पर नया घोषित
 करने के लिए मथुरा तालुका काठियावाड़ नं. 869 हाल

1



प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.

दाखल खाता सिविलीजेशन नं०-२३२ पुस्तक (२) में
 लौकी नमूना के सुगंधित नमूना पिना लागू नमूना
 खाता नं०-३४४ वर्ग हुआ था नमूना सुगंधित
 लौकी दालमकार हुए का प्रत्येक एक बैरतान
 २०० का कुल प्रत्येक ४२ डीन वर्ग हुआ था
 पाद के सुगंधित वताएली- दान को लौकी के
 प्रिया नमूना- पाद के सुगंधित नी दिनांक ३१-१-४६
 डीन को उपेक्ष्य दान के पाद पर लौकी के
 प्रिया। पहले ६ डीन दाखल का लौकी का जमा
 पर ४२ डीन लौकी १ बैरतान २ कड़ा १६ धुर
 लौकी हुआ कितना दाखल- प्राप्त कर के
 लौकी सुगंधित करते रहे। उपेक्ष्य दान के सुगंधित
 सुगंधित लौकी के लिए दो सुगंधित वताएली जो
 दाखल लौकी में ११०० के लौकी वताएली ६६५० नमूना
 सुगंधित लौकी १५ डीन का हुआ प्रिया सुगंधित



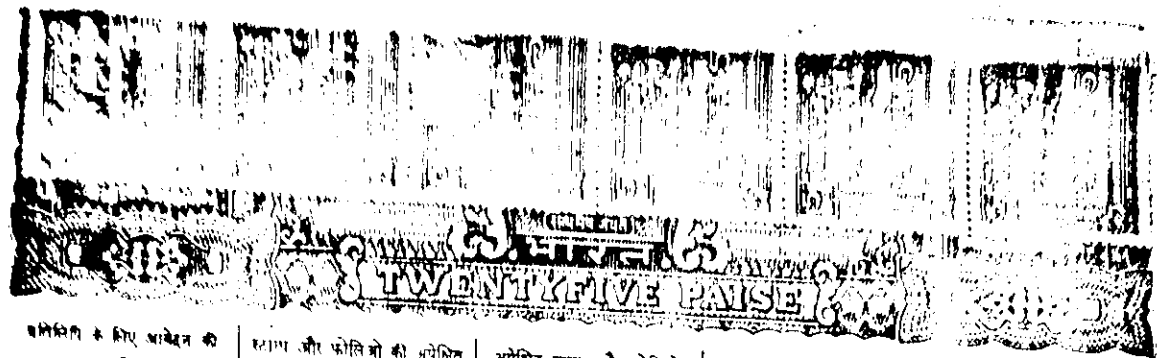
प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	राम्य और फोलियो की अपेक्षित संख्या सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.

जिसे क्रमांक $\frac{3824}{9900}$ बना (मुद्रालय प्रथम पर
का एक जमीन के लिये दस्तावेज दाख में खेसदा
209 हैं लिये दस्तावेज से मिलकर दस्तावेज बका खेसदा
 $\frac{3824}{9900}$ पुनः दस्तावेज दाख के सुनिश्चित दाख के
नाम से सुनिश्चित किया जायगी (आवकारी वाली
को ली है सभी। लिये दस्तावेज में $\frac{9900}{200}$
खेसदा दस्तावेज 66 की रकम लिये 28 मुद्रालय
जमीन के नाम से दर्ज हैं जो गलत हैं। यह
कि दाख में दिनांक 26-2-68 को डेप्यु
दस्तावेज के दाख में न न कर रहा है 9222/68
एवं 9223/68 के द्वारा कुल 116 की जमीन दाख
दिया। पुनः दिनांक 31-11-68 को मुद्रालय प्रथम
दस्तावेज को सुनिश्चित दाख करी रहे के द्वारा
दिल्ली को जमीन दाख दिया एक 128 कुल
दस्तावेज 62 की पर लिये दस्तावेज (एक दाख
दस्तावेज मुद्रालय) दाख में दिनांक 2-11-68 को



प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.

जब नया न. विभा. विवरित हुआ तो वादी
 गण से पता चलता है ११०० का डी. ३४२५
 नंवा २५ जो जमीन मुदालह फौजदारी के
 नाम से दर्ज है। उक्त मुदालह से साक्षात्
 पट के मुक मुधार को लिख राजी हा गया।
 जावकारी के हिसाब में पूर्व में उक्त दफा १०६
 वीठ रीट एक सा दखला न दे सका।
 जमीन दल-वदी के साख मुदालह गलत
 दर्ज एव विभा. के २५ जो जमीन पर दखला
 देने का धमकी देते थे। दिनांक २० मार्च २५
 १९६८ को मुदालह द्वारा हॉट में वापस
 लिख देने के बिसार करने पर पहला
 मुदालह किया गया। वादी के बिसार पास
 है कि गण लेखा ३४२५ नंवा २५
 नंवा २५ जो पर मुदालह का कोई फौजदारी
 में दखल नहीं है गलत विभा. दल को

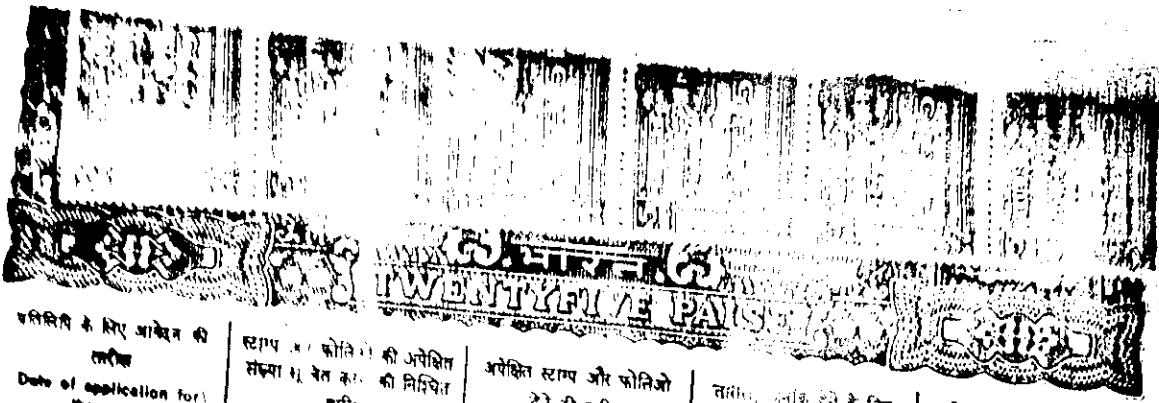


प्रतिष्ठान के लिए आवेदन की तारीख Date of application for the copy.	स्वामि और फोलियो की अपेक्षित संख्या सूचित करने की तिथि तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्वामि और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिष्ठान तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिष्ठान देने की तारीख Date of making over the copy to the Applicant.

दर्ज की नज्दायज खोजिए किया जाय नव्व
 हुगर मुदालम इन्हे देवायत कर दे मो इन्हे
 पुनः दायत दिताया जाय।

३. नज्दायज के परिवर्तनों को उपस्थित
 होने हेतु जारी प्रतिया तैयार करने के पश्चात्
 उनके अनुपस्थिति पर पक्ष सुनवाई छार्ज भी
 जारी।

४. बाध पत्र के तदर्थन में आवेदन
 ९०-१ तदपुत्र तह का वपान केवल नज्दायज
 के प्रस्तुत किया गया है। इन्हे हुपते वपान
 के बाध पत्र के दर्ज होर अर्थों का पूर्ण
 तदर्थन किया है। इन्हे देवायत ११२२/६८,
 १२२२/६८, १२२४/६८ का पश्चात किया है इते
 क्रमशः तिदरी १, १/११, १/११. संकित किया जाय।
 इन्हे पुनः ४३४६/६१ देवायत का पश्चात
 किया इते तिदरी १/११ संकित किया जाय। इन्हे



प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोटो की संख्या या वेत का तारीख Date fixed for notifying the requisite number of stamps and photos.	अपेक्षित स्टाम्प और फोटो देने की तारीख Date of delivery of the requisite stamps and photos.	तारीख, जिसके लिए प्रेषण कर दिया गया Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.
--	--	--	---	--

इन्होंने निदर्श 1/30 दिसंबर का भी पट्टा
 किया। इनके लगातार खींच निदर्श 2 का भी पट्टा
 किया।

4 वादी को दोर से public document
 रूप में खसिपत वकालत भी दाखिल किया गया
 है उसे कुतया निदर्श 3, 318 एवं 8 इंकित
 किया गया।

5. धर्म वादी का पुर्ण बख्त हुआ
 उसके इलाके इतिहास में गौणुदंगवाह का पट्टा
 हुआ जो सुदरी का न्यायिक इलाका है।

उपरोक्त के बख्त सुदरी का इलाका
 किफायत परिस्थितियों आदि के बाद में एतद्विषय
 पर पहुंचा है कि वादी का सुनिश्चित
 सख्त है जहां से लगे हैं।

6. इलाका वादी के पद में इतिहासियों
 विरुद्ध एक पत्रिका (वर्षा) प्रकाशित की गई।



प्रतिनिधि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की तिथि Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिनिधि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिनिधि देने की तारीख Date of making over the copy to the applicant.
१६. २. २४			१६. ३. २४	१६. ३. २४

को ज्ञात है कि किण्वक दे। पक्षों, निर्दिष्ट दिनांक पर, पूर्ण स्वत्व, उपस्थिति एवं दावा की हितपूर्ति की जाती है। ताक से शिवाजी के पक्ष को निर्दिष्ट व्यक्तिगत को वापस कर दिया जाता है।

लेखापति एवं नियोजित

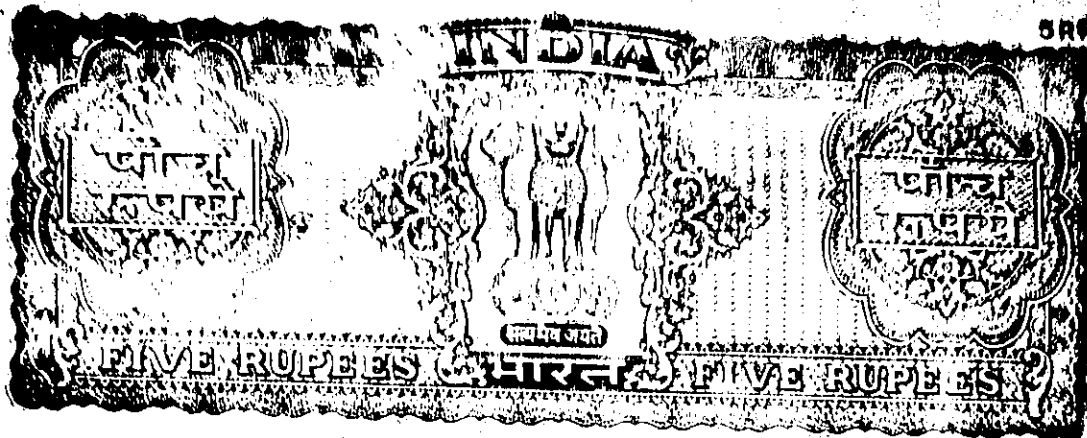
८ मोलापाखवात
३१/१/२४
मुंबई, महाराष्ट्र

९ मोलापाखवात
३१/१/२४
मुंबई, महाराष्ट्र

Checked & compared by
S. S. L.

9/3/24

17/3/24



FORM NO. (J)85.

CERTIFICATE OF SALE OF LAND.

(ORDER XXI Rule 94, Code of Civil Procedure)

BISTRICT मधेपुरा

IN THE COURT OF मुन्सिफ

AT मधेपुरा

EXECUTION CASE NO. २

OF १९८४

सरयुग साह Debtor-Holder.

Versus

महमी साहदास Judgment-debtor.

This is to certify that सरयुग साह

son of कलक साह by caste तेनी

by occupation (1) राम प्रसाद (2) सरयुग साह resident of हथिअँवा

Thana (Bihariganj) बिहारी गंज District मधेपुरा

has been declared the purchaser at a sale by public

auction on the 3-10-८५ day of 19

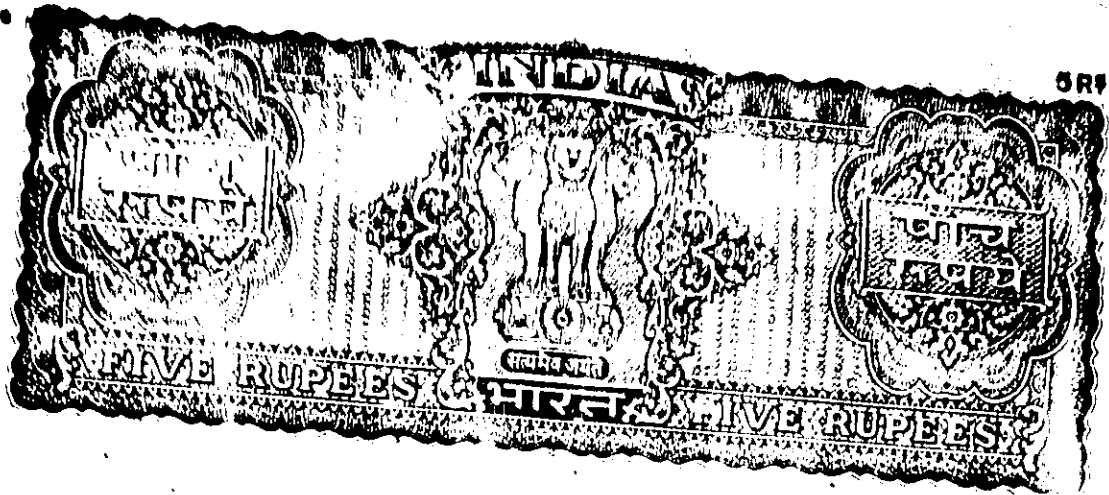
of the property specified below in execution of the decree

of the decree in suit No. T. S. No. 16/81 of this court.

(1) and that the said sale has been duly confirmed by

this court. On 3-10-८५

Give under my hand and the seal of the court,



court.

this 9th day (2) of 6 July 1986

19.7.86
Munsif.

Specification and price of p...

For (1)(2) and (3) see instructions on the next page.

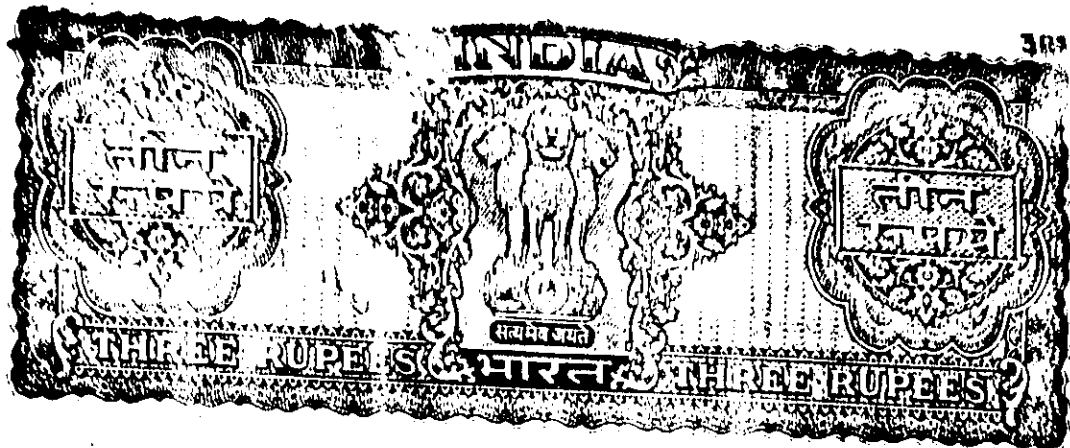


क्रि. नं. २

तफसील खवाजी अनाजी १ (रु. बी. बी.)
 खवाजी जोत काथमी वजमा सालाना मो. ७/
 खपमा जाल खवाजे खेष जोकी मोजे डियेकोधा
 धाना ठाका बिहारी डांका, खिखी - मधेपुरा नौजी
 नं. ४६१ धाना नं. २३२ का दागिस्त मत डिप्टी कार
 दिग्गज जोडी कारदेत नहीं है। मालियत तरक मिनत
 मोठ २६५ खपमा है।

खपमा पु. - खवाजा नया - खपमा पुमाना - खपमा नया - खपमा
 ३४६ - १००२ - २०१ - ११०२ - १ बी. बी.

१९.७.८६
Munsif



- 3 -



- (1) If the decree has been received by transfer from other court enter the name of that court.
- (2) The date when the sale became absolute.
- (3) Particulars sufficient to identify the property including the name of each registration sub-district in which any part of the property is situated should be fully stated.

T.C. Annexure-2

FORM NO. 3(85)

CERTIFICATE OF SALE OF LAND

(Order XXI rule 94, Code of Civil Procedure)

District Madhepura

In the Court of Munsif At Madhepura

Execution Case No. 7 of 1984.

Saryug Sah

Decree-holder

Versus

Luxmi Das

Judgement-debtor

This is to certify that Saryug Sah son of late Kalru Sah by caste Teli 2- Ramesh Prasad son of Saryug Sah, by occupation resident of Hathiaundha Thana 'Bihariganj' District Madhepura has been ~~declared~~ declared the purchaser at a sale by Public auction on the 3.10.85 day of 19 of the property specified below in execution of the decree of the decree in suit no. T.S. No. 16/81 of this Court.

1. And that the said sale has been duly confirmed by this court on 3.10.85.

Given under my hand and the seal of the Court.

Court,

this 19 day of 6 July 1986

Sd/-
19.7.86

Specification and price of prescribed time(s)

For 1&2 and 3 are instructions on the next page.

सिडल नं० -2

तफसील खाजो मवाजो। एक बीघा।

खाजो जोत कायमी कामसलाना मो० 3/-

स्पया साल अलाखोडा वाकी मौजे ह शिआँधा

शानाहाल बिहारीगंज जिला मधोपुरा तौजी

नं० -471 शाना नं० 232 बद निस्त मन डिल्लीदाग

दिगए कोई वाग्देननही है। मा लियत तडा मिनन

मो० 265 स्पयाहै।

आता पु० आता न्या ओसरा पुराना ओसरा न्या गला

354
6

1008

201

1108

1 बीघा

30-रमेशा पुसादसाह

दं० - सिन्धु मंडल

पु० - सत्य नारायण दास

पं० - चावलाल दास

ह० -अस्पष्ट

19-7-86

मु-निस्त

- (1) If the decree has been received by transfer from other court enter the name of that court.
- (2) The date when the sale became absolute
- (3) Particular sufficient to identify the property including the name of each zamra registration sub distt. in which any part of the property is situated should be fully stated.



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोटिओ साबित करने की तारीख Date of deposit of stamps and photos.	अवेदन स्टाम्प और फोटिओ देने की तारीख Date of delivery of the requisite stamps and photos.	तारीख, जवाब देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	अवेदन को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
			24/6/87	24/6/87

In the court of Munsif at Madhipura

M: 2 cases No. 5/87.

Ramchandra Das

v/s
Sachin Singh

Order sheet

30-4-88

1. This misc case has been filed by Ramchandra Das @ Ramchandra Das S/o Ramchandra Das u/o Rule 13 and u/s 151 of the C.P.C. for setting aside the ex parte decree passed in T.S. No. 16/81 on 31-1-84.

2. It was argued on behalf of the applicant Ramchandra Das that before the ex parte decree on 31-1-84 in F.S. No. 16/81 he had no knowledge of the suit and he did not know about the ex parte decree on 30-10-86 and then he filed the present petition on 6-1-87. on the



प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फोलियो की अपेक्षित संख्या सूचित करने की निश्चित तारीख Date fixed for notifying the requisite number of stamps and folios.	अपेक्षित स्टाम्प और फोलियो देने की तारीख Date of delivery of the requisite stamps and folios.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.

these submission it was bear prayal that this mis case be admitted and opposite party be noticed. But on perusal of the record of T.S. No 16/81 it appears that the applicant who was defendant no 15 in this it personally received the registered articles in the year 1982 it self vide the postal registration receipt and the acknowledgement due containing thumb impression of the applicant Ramchandra Das. moreover the perusal of the record of T.S. No- 16/81 further shows that the notice was also published in the madhipura District gazette dated 16-1-1983 in the name of all the defendants including the applicant also asking them to file their objection in the suit by 15-3-83 ist. the suit would be heard ex parte.





प्रतिलिपि के लिए आवेदन की तारीख Date of application for the copy.	स्टाम्प और फीसों की अपेक्षित राशियाँ सूचित करने की तिथि Date fixed for notifying the requisite number of stamps and fees.	वेधित और फीसों की तिथि Date of delivery of the requisite stamps and fees.	तारीख, जबकि देने के लिए प्रतिलिपि तैयार थी Date on which the copy was ready for delivery.	आवेदक को प्रतिलिपि देने की तारीख Date of making over the copy to the applicant.
10/6/88			27/6/88	27/6/88

3. In the circumstances stated above, the applicant cannot be allowed to say that he had no knowledge of F.S. No- 66/81 filed against him prior to the date of ex parte decree in the suit. In order to be apprised that the plea of the applicant that he could know about the suit and ex parte decree on 20/12/86 for the first time is only a plea of necessity. This case is hopeless time barred and such time barred petition is allowed then there shall be no objection.

In the present case the result is a case which is hopeless time barred is not admitted and accordingly it stands dismissed. dictated and corrected by me dictated

Sd/- S. N. Prasad
merit 20/1/88

Satyam Prasad
merit
20/1/88

Janak
20/1/88
Lepid
20/1/88

T.C. Am. 22/84-3

In the court of Munsif at Madhepura

Misc. Case No. 5/87

Ram Charan Das.

Versus

Saryu, Sah

ORDERSHEET

30.4.88 1. This Misc. Cas has been

filed by RamChandra Das alias Ram Chandra Das

son of Ranchu Das under order 3 rule 13 and

under section 151 of the C.P.C. for setting aside

the Exparte decree passed in T.S.No.16/81 on 31.1.84.

2. It was argued on behalf of the applicant Ram

Chandra Das that before the exparte decree on

31.1.84 F.S.No.16/81 he had no knowledge of the

suit and he could know about the exparte decree dated

20.12.86 and then he filed the present

petition on 6.1.87. On the...

- -

these submission it was been prayed
that this Misc. case be admitted
and a Opposite party be noticed but on
perusal of the record of T.S.No. 16/81 it
appears that the applicant who was defendant no.15 in
the suit personally received the registered articles
in theyear 1982 it self vide the postal registration
receipt and then acknowledgement due containing
thumb impression of the applicant Ramchandra Das.
Moreover the perusal of the record of T.S.No.16/81
further shows that the notice was also published in the
Madhepura District Gazette dt. 16.2.1983 on the name of
all the defendants including the applicant also asking
them to file their objection in the suit by
15.3.83 last the suit would be heard exparte

in the circumstances stated above the applicant cannot be allowed to say that he had no knowledge of S.No.16/81 filed against him prior to the date of Exparte decree in the suit. Therefore it is apparent that the plea of the applicant that he could know about the suit and exparte decree on 20.12.86 for the first time is only a plea of necessity. This Misc.case is hopelessly time barred and such time barred and it such time barred time petition is allowed then there shall be no end of litigation.

In the result the present Misc.case which is hopelessly time barred is not admitted and accordingly it stand dismissed.

dictated & corrected by me

Sd. S.N.Prasad

Munsif 30.4.88

dictated,

Sachya Narayan Prasad

Munsif,

30.4.88

(51)

26X9 No 90/90/22 C

Hyatt

19

2625 August 1902

Handwritten signature



[Faint, mostly illegible handwritten text and notes covering the majority of the page. Some words like 'August' and '1902' are visible in the upper section.]

9

২৬৫৫
১৯০১/১০১ ২২ (১৯০১-১৯০২) ফিন্ড ফিও ৯১ ১১
মিঃ ১৯০১/১০১ ২২ (১৯০১-১৯০২) ফিন্ড ফিও ৯১ ১১

[Signature]
Stamp
Lte. No. 641 77