

(2020) 02 PAT CK 0199

In the Patna High Court

Case No : Letters Patent Appeal No. 1518 Of 2018, Civil Writ Jurisdiction Case
No. 10980 Of 2015

Arbind Kumar Sinha And Ors

APPELLANT

Vs

State Of Bihar And Ors

RESPONDENT

Date of Decision : 13-02-2020

Acts Referred:

Citation : (2020) 02 PAT CK 0199

Hon'ble Judges : Sanjay Karol, CJ;S. Kumar, J

Bench : Division Bench

Advocate : Sanjay Kumar, Md. Khurshid Alam

Final Decision : Disposed Of

Judgement

Heard learned counsel for the parties.

The appeal is reported to be delayed by eight days. We have considered the affidavit filed in support of the delay condonation application and we find that sufficient cause has been shown to condone the delay in filing the appeal. The delay is condoned and the appeal shall be treated to be within time.

I.A. No. 9144 of 2018 stands allowed accordingly.

The appeal filed on 09.10.2018 is listed for hearing for the first time today before the Court.

Heard learned counsel for the appellants and learned counsel for the respondents.

The instant appeal has been preferred against the order dated 30.08.2018 passed by a learned Single Judge of this Court in C.W.J.C. No. 10980 of 2015, titled as Akhilesh Prasad & Ors. Vs. The State of Bihar & Ors, whereby the writ petition stands dismissed.

Having heard learned counsel for the appellants and learned counsel for the respondents, we do not find any reason sufficient enough to interfere with the

impugned judgment dated 30.08.2018 passed in C.W.J.C. No. 10980 of 2015, titled as Akhilesh Prasad & Ors. Vs. The State of Bihar & Ors, for we do not find any perversity therein.

The dispute with regard to the title is inter se the family members. Appellants claim to be owner by virtue of a gift deed, which fact is seriously disputed by the co-owners. As such, considering the disputed question of fact, a Writ Court cannot adjudicate the title, and as such, we find that the learned Single Judge has rightly dismissed the writ petition, leaving it open to the parties to have their rights adjudicated before a Civil Court or in other proceedings contemplated under the relevant statute.

As such, we dispose of the present appeal reserving liberty to the appellants to take recourse to such remedies as are otherwise available in accordance with law.