

आदेश की क्रम
संख्या और तारीख

आदेश और पदाधिकारी का हस्ताक्षर

आदेश पर की गई
कारवाई के बारे में
टिप्पणी तारीख के
साथ

In The Court Of: Land Reforms Deputy Collector, Arwal.

Case No. 164 / 2014-15

Nanheshwar Sharma & others- applicant

Vrs.

Nand kishor Sharma-- opposite parties

Present- Rakesh Kumar, DCLR

Learned Advocate of applicant

1. Sri Shailesh Kumar.

2. Srimati Rukmini Kumari.

3. Sri Binod Kumar Singh.

Learned Advocate of opposite parties

1. Md. Afsar Hamid.

2. Sri Ramesh Prasad Singh.

Advocate on behalf of Intervener

1. Sri Arvind Kumar.

ORDER

Both the parties appeared and present case is related to

Schedule

Khata	Khesra	Area A- D	Boundary
64	109	0- 1.3	N-Chhour. S-Chhour E-Mahendra Singh. W-Balkeshwar Singh.
64	98	0- 46 (approx)	N- Janak Singh. S- Chhour. E- E-Mahendra Singh. W-Balkeshwar Singh.
64	326	0-67	N-..Balkeshwar Singh S- Chhour. E- Chhour. W-Karha.

03-05-2016

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64	345	0-40	N-. Baleshwar Singh S- Chhour. E- Chhour. W-Karha.
64	355	0-39	N-. Balkeshwar Singh S- Chhour. E- Chhour. W-Nij.
64	367	0-5	N-Mahendra Singh S- Karha. E- Not mentioned W-Janak Singh.
64	370	0-8	N-Mahendra Singh S- Karha. E- Not mentioned W-Janak Singh.
81	362	0-67	N- Balkeshwar Singh S- Mahendra Singh E- Karha. W- Balkeshwar Singh

Mauza- Bakhtar, P.S. Mehanadiya, Anchal- Kaler, Dist- Arwal.

All the parties appeared in the case and learned advocate of applicant submitted on behalf of Nanheshwar Sharma s/o Late Bhagwat singh (Applicant No. 01), Ramakant Sharma s/o Nanheshwar Sharma (Applicant No 02), Ajeet Sharma s/o Nanheshwar Sharma (Applicant No 03), Ranjeet Sharma s/o Nanheshwar Sharma (Applicant No 04) that land mentioned in schedule was purchased by Late Bhagwat Singh, respectively the father and grand father of applicants from Ram savari kunwar w/o Rajendra and since then land is in possession of applicant's family. He informed that demand & revenue receipt exists on name of Nanheshwar Sharma. He also informed that

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elder son means applicant No-01 lives separately and other two sons lives with applicant though no formal partition has taken place in family. Learned advocate alleged that opposite parties wants to grab the land of applicant by force based on illegal ground. So learned advocate pleaded for declaration of right and wants direction to opposite parties for non interference in land of applicant.

Learned advocate of opposite party submitted on behalf of Nand kishor Sharma (op-01), Raj kishor sharma (op-02) both s/o Late Avadh Sharma, Anirudh Sharma s/o Late Ramchandra Sharma (op-03) that genealogical table given by applicant is incomplete and said that their ancestor was shivnarain singh, H/o Zeera kunwar who had two sons namely Babu kailash singh and Babu Devdutta singh. This Babu kailash singh had two sons namely Babu Mahendra singh & Ramchandra singh. However, Babu Devdutta singh had five sons namely Bhagwat singh, Baikunth singh, Shaligram singh & Ram sager singh. The sons & grand sons of Bhagwat singh are applicant where as Baikunth singh has two sons namely Nand kishor singh & Raj kishor singh. The Shaligram singh has four sons namely Perma Nand singh, Ramanand singh, Raja singh & Jainendra singh where as Ramsagar singh has two sons namely surendra singh & Vijay singh. Learned advocate said that Babu Devdutt singh had received 10 Bigha of land as share after partition from his elder brother Babu kailash singh. Later, his elder son Bhagwat singh became guardian and in his leadership family purchased or achieved the total area of land upto 22 Bigha. However, after his demise, his successor and

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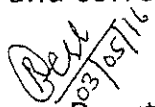
other brothers successors received, each as share of 05 Bigha. Learned advocate said that in khata 164, there are 23 plots and in khata 81, plot no 362 area $2.21\frac{3}{4}$ Dismal is purchased land of Bhagwat singh from jageshwari kunwar as an owner of joint family and accordingly other brothers also has possession over that land, but no land was purchased from Ram sawari kunwar. Further, applicant has made party only to share holder of Baikunth singh and not to other lineage of family, so this case suffers from non- joinder of parties. Further, Nanheshwar singh (applicant) has already sold his share of land and opposite parties are settled on their share of land. Learned advocate has mentioned details of other landed properties of joint family as well as his share of land and finally considers it to be a case related to complex question of title. so learned advocate pleads for dismissal of the case.


Learned advocate of intervenor submitted on behalf of surendra Sharma s/o Late Ram sagar Sharma, Raja Sharma s/o Late shaligram Sharma, Jainendra Sharma & Perma Nand Sharma s/o Late shaligram Sharma, Vijay Sharma s/o Late Ram Sagar Sharma that applicant has filed the case based on concocted facts. Learned advocate also submitted the GT of family in detail which Matches with GT submitted by opposite parties. He also gave almost similar arguments as given by learned advocate of opposite party and alleged that applicants has cunningly tried to debar them from their right and wanted to grab their share by not making them party in this case. Finally learned advocate pleads for rejection of relief sought by applicants & dismissal of the case.

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I have read the plaint & written statements given by concerning parties and perused the documents available on record. Applicant has submitted kewala & revenue receipts where as opposite party has submitted eight sale deeds, a document executed by jageshwari kunwar, copy of partition suit No 41/72, copy of khatiyani, malguzari receipt etc. Where as learned advocate of intervenor has submitted an application in which mentions that a partition suit no 40/2015 Parma Nand Sharma & others vrs Nanheshwar Sharma & others are proceeding in honourable civil court, so wants dismissal of this case in this court. so after looking all aspects it is found that issues involved is related to joint family partition and applicant has filed the suit in a part of whole property. Infact, relief can be given only after looking whole aspect of joint family property and possibly case related to it is proceeding in civil court. So this court can not grant any relief to applicant, the claim is rejected and case is dismissed.

Dictated and corrected


Land Reforms Deputy Collector
Arwal


Land Reforms Deputy Collector
Arwal.

