


आदेश की क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी तारीख के साथ
30-08-2017	<p style="text-align: center;"><u>In The Court Of: Land Reforms Deputy Collector, Arwal.</u> Mutation Appeal No – 08/2016-2017 Kaushal Kumar –Appellant Vrs Dilip Kumar- Defendent. Present- Rakesh Kumar, DCLR <u>Learned Advocate of appellant.</u> 1. sri. Satish Chandra Jyoti. <u>Learned Advocate of Defendent.</u> 1. Sri. Shailesh Kumar. 2. Sri. Binod Kumar Singh.</p> <p style="text-align: center;"><u>ORDER</u></p> <p>Both the parties appeared and the learned advocate of appellant submitted the Geneological Table of the family and said that Late Tarachand Singh had two sons namely Late Ram Tapeswar Singh & Late Rama Nand Singh. Late Tepeshwar singh had two sons namely Kaushal Kumar (appellant No-1) & Ajay Kumar (appellant No-2) where as Late Rama Nand Singh had two sons namely Dilip Kumar (op-1) & Pramod Kumar (op-2). Learned advocate of appellant informed that both the parties are from same lineage and they together had total area of 04 Acre 42.5 desimals of land. So its fifty percent i.e. 2 Acre 21.25 desimals are share of appellant. Learned advocate alleged that circle officer kurtha has mutated the disputed land in favour of defendants though it is in possession of appellant. He also alleged that mutation has been done with out in forming the appellants. Learned advocate in formed that in khata 76/141 plot-892/714 Rakwa-06$\frac{1}{4}$ desimals and in khata-76/147, plot-890/713 Rakwa 02 desimals was sold by appellant's father and accordingly purchasers are in possession of this land and this example has been given by appellant to prove that appellant's are in possession of land as per share. So based on this argument, learned advocate wants cancellation of mutation case No-617/2013-2014, of circle office, Kurtha.</p>	


Beu

Learned advocate of defendant writes that appellant has filed the case after 30 days with out mentioning specific reason. So this case is barred by time limitation. Learned advocate further submits that in mutation case No-617/2013-2014, the appellants are not a party, so they have no right to file the case against defendants of this case. He is of view that if appellant feels that they have any share or right over mutated land then they are free to file case in civil court. So learned advocate pleads for dismissal of the case.

After reading the plaint & statements of concerning parties, it is found that disputed land is of village-Chchataui, Post-Manikpur, PS+Anchal-Kurtha, Dist-Arwal. Further, after going through mutation record of circle office, Kurtha, it is found that appellants of this case are not a party. Overall, it seems that case is related to partition of landed property in a joint family though circle officer kurtha has permitted partition which has been prepared by concerning parties in different schedule. Since, appellants of this case has been left out in mutation case No-617/2013-2014 and they have not given any valid reason for claiming the mutated land, So this court can not give any relief to appellants until any competent court decides their share in land mentioned in schedules of case No-617/2013-2014.

Dictated and corrected


Land Reforms Deputy Collector
Arwal


Land Reforms Deputy Collector
Arwal.