

आदेश का
क्रम संख्या और
तारीख

आदेश और पदाधिकारी का हस्ताक्षर

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

13/01/2022

**IN THE COURT OF THE COMMISSIONER,
SOUTH CHHOTANAGPUR DIVISION RANCHI**

Survey Appeal No. 188/2011

Rambrat Narayan Ojha

Vrs.

Dilbodhan Upadhyay

Instant Appeal has been filed against order of Settlement Officer, Ranchi in case no. 33/2010 wherein the claim of the petitioner for entry of his name into the survey records was rejected.

The petitioner kept on seeking time in this case and finally was heard on 01/12/2015, when the appeal was admitted for hearing. After this date the petitioner attended the court only on one date 21/01/2020; whereas OP continued to appear in the case. On 20/12/2021 the petitioner remained absent even after given last chance. The OP was heard who informed about disposal of various title suits on this matter. Accordingly it was decided to dispose of the matter on the basis of available records.

The order of lower court was passed on 10/10/2011 whereas this petition was filed on 27/12/2011 after the period of limitation. The petitioner has challenged the order on the ground on the principles of inheritance under the provision of Hindu Succession Act. They claim that the land in question was under the possession of recorded tenant. Mos. Sobaran Kunwar as bakast malik; of which the women have no right to sale or transfer and hence the name of

WJS

आदेश का क्रम संख्या और तारीख	आदेश और पदाधिकारी का हस्ताक्षर	आदेश पर की गई कारवाई के बारे में टिप्पणी, तारीख के साथ।
	<p>respondents entered in the banda parcha is claimed to be illegal.</p> <p>The OPs mentioned that the petitioner have filed various title suits on the same matter; on the same lands which stand dismissed and hence this petition is not maintainable.</p> <p>On perusal of records it is clear that T.S No. 256/2000 for declaration of title over the land was withdrawn by the petitioner with costs. Similarly another title suit 60/2007 was dismissed on 14/02/2018 for default on the part of petitioner. In the court of ASO Ranchi the petitioner had filed case no. 68/2007 which was admitted after condonation of delay. In the said case again the petitioners did not cooperate with the court and the matter was finally disposed ex-party. In the court of settlement officer also the matter was heard after condonation of delay and finally the petition was rejected. In this court also the petition is filed after a delay and petitioner is not ready to cooperate in disposal of the matter. It is thus clear that petitioner has filed two title suits for the same land which were dismissed. Hence there is no ground for any survey enteries to be made in the name of petitioners as claimed by them. Thus this appeal is not maintainable and is accordingly dismissed.</p> <p>Dictated & Corrected</p> <p><i>W. K. Misra</i> 12/11/22 Commissioner</p> <p><i>W. K. Misra</i> 12/11/22 Commissioner</p>	