

In The Court of Deputy Commissioner, Ramgarh

Restoration Appeal No. 70/10

Bhandu Munda others Versus Doman Mahto others

Order

20.8.13

The appellant has challenged the order of the DCLR, Ramgarh dated 01-10-2010 passed in Restoration Case No. 5/2010-11. The contention of the appellant is that the lower court has wrongly passed order in favour of the Opposite Party and rejected the case of restoration on the basis that the same was time-barred.

The Opposite Party claimed to have acquired the said land in 1939 through sada hukumnama issued on 14-5-1939 in favour of Mansu Mahto. The latter transferred the same land to his wife Jhano Devi through Registered Sale Deed No. 1564 dated 27-06-1972. Later Mutation was allowed by the Circle Officer in Case No. 349/83-84 and rent receipt were issued upto 1990-91.

In the instant case the lower court has not stated the reason as to why the case was barred by the law of limitation. It is important that jamabandi continues to run in the names of the Appellant Banu and Manu Munda. But rent has been realised from the second party from 1983-84 to 1990-91 indicating possession of seven year only.

In the result, the appeal is allowed and remanded to the lower court of the DCLR for fresh hearing and order.

Written and Corrected by

Deputy Commissioner,
Ramgarh.

Deputy Commissioner,
Ramgarh.