

COURT OF CIVIL JUDGE (Senior Division)

Barsoi, Katihar

Title Suit No. 02/2015

Mahesh Kumar Bhagat.....Plaintiff.

Vrs.

Kailash Bhagat & Others.....Defendants.

Date of Order of Proceeding	Order with the Signature of the Court	Office action taken with date
22.08.2024	<p>Attendance has been filed on behalf of plaintiff & defendant through their Ld. Counsels. Case has been posted for hearing for order on petition dated 15.12.2016 filed by the defendant No. 1, 5 and 6 U/O VII Rule 11(d) of C.P.C, to which rejoinder dated 01.06.2017 has been filed by the plaintiff. Heard the Ld. counsel of both sides.</p> <p>Perused the record. The case of the defendant in short is that the plaintiff has filed a case of pre-emption in respect of suit land and he should have gone to the court of revenue for the same U/s 16(3) of Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act 1961 but they didn't avail the opportunity. Further he also says that the case which is covered by the said Act, by Section 43 of the said act, bars the jurisdiction of the Civil Court. Case of the plaintiff in short is that they have filed this case U/S 22 of the Hindu Succession Act and at the time of filing of the suit Barsoi had come under the Municipal Area by notification.</p> <p>In the light of above facts the court is of the view that plaintiff has a right to file the suit according to his choice which ever court the plaintiff finds suitable. From the perusal of the plaint it prima</p>	

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-facie comes under the purview of Section 22 of Hindu Succession Act as such the petition of the defendant is dismissed. Put the record for filing of the detailed Written Statement by the defendants by next date i.e. 26. 09.2024.

Dictated

Civil Judge (Sr. Division)