

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Second Appeal No. 35 of 2011

Anirudh Pathak	-----	 Appellant
	Versus	
Quraisha Bibi & Ors.		 Respondents
	With	
	C.O. No. 01 of 2012	

Manuar Khan & Ors.		 Objectors
	Versus	
Anirudh Pathak & Ors.		 Respondents

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant	: Mr. Rajeev Ranjan Tiwari, Advocate Mr. Amit Kumar Tiwari, Advocate
For the Respondents	: Mr. T.N. Jha, Advocate [In S.A. No.35 of 2011]
For the Objectors	: Mr. T.N. Jha, Advocate
For the Respondents	: Mr. Rajeev Ranjan Tiwari, Advocate Mr. Amit Kumar Tiwari, Advocate

16/Dated: 2nd July, 2025

C.O. No.01 of 2012

1. The present cross objection has been listed under the heading for hearing under Order 41 Rule 11 of C.P.C.
2. Learned counsel for the objectors has submitted that issue No.9 i.e. *Whenever ex-landlord manager of the wards and Encumbered Estate who was then managing Nagar Untari estate had settled the suit land to Shekhawat Khan and Shamsher Khan by granting customary parwana on 11.11.1940?*, has been decided by the learned trial court as well as appellate court negatively against the defendants/respondents with observation that since the land in question which is subject matter of suit is government land, therefore neither the plaintiff nor defendants have acquired any land.

The aforesaid concrete observation while deciding the issue No.9 raises cloud against the title of the cross objector. Therefore, the concrete finding on issue No.9 has been illegally decided ignoring the documentary evidence of the cross-objector (Ext. A and B series).

3. These objections raised by the defendants in cross-objection being C.O. No.01 of 2012 filed in appeal being S.A. No.35 of 2011 shall be decided with the main appeal i.e. S.A. No.35 of 2011.

S.A. No.35 of 2011 & C.O. No.01 of 2012

4. Heard both the learned counsel for the parties.
5. The judgment is reserved.

(Pradeep Kumar Srivastava, J.)

Pappu/-