

Anil Singh

.. .Appellant

Versus

Bishwanath Singh & Anr.
(With C.A.No.2663 of 2001)

...Respondents

ORDER

1. These appeals can be disposed of on a very short question, which was raised before us by the learned senior counsel appearing on behalf of the appellant.

These appeals are directed against an order dated 21st of June, 2000 passed by High Court of Judicature at Patna. It has been brought to our notice that by virtue of the operation of Section 4(1)(c) of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956, there is a statutory abatement of the suit and the other proceedings pending therefrom. It is now well settled that even the appeals pending before this Court shall abate consequent on the above statutory provision. In the counter affidavit filed in this Court, the Respondents have also taken a stand that in view of Section 4(1)(c) of the said Act, the suit itself was abated. In this connection, reliance can be placed on the decision of this Court in the case of Chatter Singh and Others vs. Thakur Prasad Singh [(1975) 4 SCC 457]. Such being the stand taken by the Respondents in their counter affidavit and relying on the abovesaid decision of this Court, we hold that the suit filed by the appellants has abated on account of Section 4(1)(c) of the Bihar Consolidation of Holdings and Prevention of Fragmentation Act, 1956 and consequent thereupon, these appeals have also abated.

2. In view of the aforesaid decision of this Court, not only the suit has abated but also these appeals have also abated. Accordingly, these appeals are disposed of as abated. This order, however, shall not prevent the appellants from approaching the appropriate Forum for redressal of his grievances in accordance with law.

3. With this direction, these appeals are disposed of. There will be no order as to costs.

.J.

.....
(TARUN CHATTERJEE)

.....J.
(DALVEER BHANDARI)

NEW DELHI
NOVEMBER 27, 2007.
ITEM NO.1A
(For Orders)

COURT NO.11

SECTION XVI

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS
CIVIL APPEAL NO(s). 2664 OF 2001

ANIL SINGH

Appellant (s)

VERSUS

BISHWANATH SINGH & ANR.

Respondent(s)

(With prayer for interim relief)

WITH Civil Appeal NO. 2663 of 2001

Date: 27/11/2007 These Appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE TARUN CHATTERJEE
HON'BLE MR. JUSTICE DALVEER BHANDARI

For Appellant(s)

Mr. Akhilesh Kumar Pandey,Adv.

For Respondent(s)

Mr. Irshad Ahmad,Adv.

Mr. B.B. Singh,Adv.

UPON hearing counsel the Court made the following
ORDER

Hon'ble Mr.Justice Tarun Chatterjee pronounced the Order of the Bench comprising His
Lordship and Hon'ble Mr.Justice Dalveer Bhandari.

The appeals are disposed of in terms of the signed order.

There will be no order as to costs.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed Order is placed on the file)