
Sabra Begum And Ors Vs Alimoon Begum And Ors

Writ Petition (C) No. 3184 Of 2016

Court: Chhattisgarh High Court

Date of Decision: Sept. 18, 2018

Citation: (2018) 09 CHH CK 0287

Hon'ble Judges: Prashant Kumar Mishra, J

Bench: Single Bench

Advocate: Malay Shrivastava, R. Tripathi

Final Decision: Disposed Of

Judgement

Prashant Kumar Mishra, J

1. Heard.

2. The petitioners' names were mutated in the revenue record on the strength of a decree for possession passed by the Civil Judge Class-II, Bilaspur

on 4.5.1976 in Civil Suit No.36-A/75. Since the issue of title was not gone into by the Civil Court for the reason that it was an ex-parte decree, the

other party objected to the petitioners' names being mutated on the strength of only a decree for possession.

3. Initially, the petitioners' names were recorded but eventually the Board of Revenue has passed the impugned order remitting the matter back to the

Tehsildar, Bilha for deciding the issue of partition after hearing both the parties.

4. Considering the fact that the Board of Revenue has directed for hearing both the parties to the proceedings, before ordering mutation in the name of

one or the other party, the petitioners would have sufficient opportunity to state their case before the Tehsildar. Therefore, no prejudice is caused to

the petitioners by the impugned order.

5. Let the Tehsildar, Bilha decide the proceedings pursuant to the order passed by the Board of Revenue, if not already decided, within a period of 3

months from the date of receipt of certified copy of this order.

6. The writ petition is accordingly disposed of.