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(2005) 06 AHC CK 0015

Allahabad High Court

Case No: Second Appeal No. 27 of 2004-05 and Revision No. 158 of 2004-05

Munni Lal — APPELLANT

Vs

Girja Shankar — RESPONDENT

Date of Decision: June 7, 2005

Hon'ble Judges: M.Devraj, J

Final Decision: Dismissed

Judgement

M. Devaraj, Member.

1. This second appeal has been filed against the order dated 1032005 passed by Additional CommissionerI, Allahabad by which the revision was allowed and the case has been remanded to trial Court after setting aside orders dated 521997, 29121998 and 31121998 passed by trial Court.

2. Briefly stated the facts of the case are that a suit under Sections 229B/128B (4 f) Z.A. Act was dismissed by the SDO on the ground that already Munni Lal has been declared as bhumidhar with his transferable right on 521997 giving him benefit of Section 122B (4 f) Z.A. Act. The revision which was filed against this orders of SDO has been allowed on the ground that the SDO has not enquired into the detail about the claim of Munni Lal and said order has been passed against law.

3. Heard the learned counsel for the appellant on the point of admissibility of this second appeal. The learned counsel for the appellant argued that this second appeal should be admitted and records should be called for.

4. I have gone through the file carefully. Prima facie there is no error in the order of Additional Commissioner and the case has only been remanded to the Court of SDO for deciding it. Moreover in this second appeal no substantial question of law is involved; hence this second appeal is hereby dismissed. This order shall govern revision No. 158 of 200405/Allahabad also as revision is also not maintainable. Let this Court''s file be consigned to record room.