

Ramkumar Singh Vs. Deonath Singh

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Court : Madhya Pradesh

Decided On : Jun-29-2012

Appellant : Ramkumar Singh

Respondent : Deonath Singh

Advocate for Def. : Shri. Rakesh Patel

Advocate for Pet/Ap. : Shri. M.P.Shukla

Judgement :

Writ Petition No.5491 / 2012 (Ram Kumar Singh & another .Vs.Devnath Singh & ors.) 29-06-2012 Shri M.P.Shukla, learned counsel for the petitioners.Shri Rakesh Patel, learned counsel for the respondents No.1 to 3.

Heard on the question of admission.

The petitioners have filed this petition being aggrieved by order dated 3-2-2012 passed by the Board of Revenue, Gwalior in Revision Case No.532-three/2011 which had been filed against the order dated 18-3-2011 passed by the Additional Commissioner, Rewa Division, Rewa in Case No.53/Revision/10-11, alleging that the respondent No.1, Devnath had filed an application for mutation without impleading all the legal representatives of the person who was the original owner of the property in dispute and in such circumstances the application for mutation deserves to be dismissed.

From a perusal of the order passed by the Board of Revenue it is apparent that the respondent No.1 had in fact filed the application for correction of the revenue records in execution of a decree passed in his favour dated 29-3-2000 which has been affirmed by this Court in Appeal No.351/2006 by judgment and decree dated 5-1-2010.

The aforesaid judgment and decree has become final and binding upon the parties and for implementation and execution of the aforesaid judgment and decree the respondent had filed the application.

The Board of Revenue has further stated that in view of the facts and circumstances as the respondent No.1 had filed the application in execution and implementation of the order passed by the competent Civil Court and the Revenue Courts are bound to comply and implement the same, no case is made out for interference in the order passed by the Additional Commissioner and therefore dismissed the revision filed by the petitioners by the impugned order dated 3-2-2012.

In view of the aforesaid, I do not find any infirmity or illegality in the impugned order.

The petition being meritless is accordingly dismissed.

(R.S.Jha) Judge mct

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