

In The Court of Commissioner, Saran Division, Chapra
Money Lenders Revision No. 232/2015
Chain Kumar singh
Vrs.
Ishaque Mian
ORDER

The instant revision petition is directed against the impugned order passed by Collector, Gopalganj in Bihar Money Lenders Appeal case No. 01/99 on 20.06.2014.

The brief facts of the case are that a case bearing Money lending case No. 62/1998-99 Ishaque Mian Vrs Chain Kumar Singh was initiated in the Court of DCLR, Gopalganj following the sending of record bearing No. 01/1997-98 Ishaque Mian Vrs Chain Kumar Singh by C.O. Baikunthpur and the said case was disposed of vide order dt. 22.06.1999 in favour of Ishaque Mian. Thereafter, the present petitioner, Chain Kumar Singh S/o Jhamindar Singh R/o Vill-siswan, P.S.-Baikunthpur, Dist-Gopalganj filed an appeal before Collector, Gopalganj and the said case was numbered as Bihar Money lenders Appeal case No. 01/99. Both parties contested their case. The learned Collector finally upheld the order of DCLR Gopalganj and accordingly dismissed the said appeal case. Against the order of Collector, Gopalganj, the present petitioner preferred a writ case bearing CWJC No. 38/2015 before Hon'ble High Court. The said writ case was disposed of vide order dt. 21.07.2015 with liberty to petitioner to raise his grievance by filing an appropriate application before the appropriate forum. This led to filing of this revision petition before this Court.

Heard the learned counsel for the petitioner only as the learned counsel for the respondent remained absent despite being given last chance earlier. Moreover, the rejoinder filed earlier by the learned counsel for the respondent is taken into consideration.

The learned counsel appearing behalf of the petitioner submitted in details about the facts of the case. In course of argument he submitted that the land in question under dispute belonged to Didar Mian who mortgaged the disputed land to Alim Mian and Junab Mian by registered Mortgaged deed on 31.01.1969 and put them in possession Didar Mian again mortgaged the disputed land to Jhamindar Singh, father of the present petitioner by deed dt. 05.06.1974 and Junab Mian and Bibi Sahidan W/o Alim Mian sold the mortgaged to Triveni Singh on 24.11.74 and Triveni Singh with redemption note returned the mortgaged deed to Jhamindar Singh. He further said that, the present respondent being nephew of Didar Mian had filed petition u/s 12 of the Money Lenders Act got order from DCLR in his favour wrongly and even Collector also upheld the said wrong order in Appeal. He further assailed the impugned order of Collector by saying that the same has been passed without considering the relevant facts of the case properly. He further argued that the petitioner is in possession of disputed land as mortgagee on the basis of mortgage deed dt. 05.06.74 and petition u/s 12 has been filed in respect of mortgage land on Bechinama. The learned counsel further argued that neither of the learned Courts before deciding the case, appreciated the facts available on records as such the impugned order is fit to be set aside.

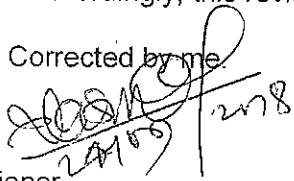
On the other hand, the learned counsel for the respondent in his rejoinder filed earlier, which is on record, dealt with the entire facts of the case and strongly mentioned that the impugned order is legally valid and petitioner does not have any right to claim the disputed land.

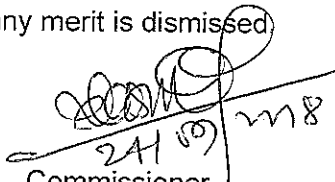


Considering the facts and circumstances of the case, material available on records, pleadings forwarded by the learned counsel for the petitioner and on perusal of the impugned order, it appears that the learned Collector has passed the order after considering each and every aspects of the case properly. Even the learned counsel for the petitioner failed to point out any specific illegality in the said order so as to give any scope for interference by this Court. The only contention of the petitioner is that the case brought before DCLR was not covered u/s 12 of Bihar Money Lenders Act. I do not find much substance in the said plea of the petitioner. In fact the learned Collector has referred to a reported judgement in support of his findings and as such I have no hesitation in upholding the impugned order.

Accordingly, this revision petition being devoid of any merit is dismissed

Dictated and Corrected by me


Commissioner
Saran Division, Chapra.


Commissioner
Saran Division, Chapra.