

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No. 316 of 2011

In

Civil Writ Jurisdiction Case No. 16591 of 2010

=====

Md. Khurshid Alam @ Nasim Shad

.... Petitioner/s

Versus

Most. Azim Fatima @ Nemat & Or

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Akashdeep

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL ORDER

9 16-08-2016

Heard learned counsel for the petitioner.

Nobody has appeared on behalf of the respondents
when this matter has been taken up.

Learned counsel for the petitioner at the out set has
submitted that the Partition Suit No. 129 of 2004 is still pending
and the amendment petition filed by the plaintiff in the aforesaid
suit on 03.03.2009 is still pending consideration after the order
passed by this Court on 02.05.2011 in C.W.J.C. No. 16591 of
2010 which order is under review at present.

Learned counsel has further stated that the notices
upon the respondents in this review application have earlier been
issued and now validly served upon all the respondents.

After considering the submissions and the averments
made in the review application, it is evident that the order dated

02.05.2011, passed in C.W.J.C. No. 16591 of 2010 was without notice to the present petitioner who is defendant in Partition Suit No. 129 of 2004 and without granting any opportunity of hearing to him.

In this view of the matter, this Court comes to the conclusion that sufficient reason has been established by the petitioner for review of the order dated 02.05.2011 passed in C.W.J.C. No. 16591 of 2010. Accordingly, this Review Application is allowed and the order dated 02.05.2011 passed in C.W.J.C. No. 16591 of 2010 is reviewed and recalled.

The Office is directed to place C.W.J.C. No. 16591 of 2010 under the heading “For Admission”.

(V. Nath, J.)

Kundan

U			
---	--	--	--