

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7946 of 2015

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1. Sabiha Naseem daughter of Late Maulvi Abdul Mannan wife of Late Nasim Akhtar permanent resident of Mohalla- Line Bazar Chowk Purnea, P.S-Khazanchi Haat, P.O- Purnea, District- Purnea at Present residing at Mohalla-Naugarwa Sultanganj, P.O Mahendru P.S- Sultanganj, District-Patna

.... Petitioner/s

Versus

1. Nuzhat Naz wife of Late Ashraf Imam resident of Mohalla- Line Bazar Chowk Purnea, P.S-Khazanchi Haat, P.O- Purnea, District- Purnea
2. Najma Ismailee wife of Late Md. Mustafa Mallick D/O Late Maulvi Abdul Mannan (now dead) and in her place her two daughters namely
3. Mrs. Sabina Mustafa wife of Sarful Haque
4. Miss Rubina Mustafa Both daughters of Late Mustafa Mallick residing at City Centre Complex Bari Road Patna
5. The Bihar State Sunni Waqf Board through its Chief Executive Officer 34, Haj Bhawan, Second Floor, Hardinge Road (Ali Imam Path) Patna.
6. Akhtar Imam Ismailee Son of Late Abdul Mannan Ismailee resident of Mohalla- Line Bazar Chowk Purnea, P.S-Khazanchi Haat, P.O- Purnea, District- Purnea.
7. Dr. (Mrs) Akhtar Jahan Mallick wife of Dr. Azhar Imam Ismailee resident of Mohalla- Line Bazar Chowk Purnea, P.S-Khazanchi Haat, P.O- Purnea, District- Purnea at presently residing at Post Box No 3489 Riqua Dubai (U.A.E)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Md. Anis Akhtar

For the Respondent/s : Mr. Rashid Izhar

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR SAHOO

ORAL JUDGMENT

Date: 08-04-2016

Learned counsel Mr. Anis Akhtar, for the petitioner and
learned counsel Mr. Kamaluddin for the respondent no. 5.

By order dated 16.10.2014 the learned Additional
District Judge 4th Patna passed in Misc. Appeal No. 01/2002 only
allowed the substitution application after condoning the delay and
substituted the legal representatives of the deceased the respondent

no. 4 in the appeal.

Since the court below has only allowed the substitution application in my opinion it is neither the case of the jurisdictional error nor it causes any prejudice to the petitioner nor it occasioned any failure of justice therefore, I find no reason to interfere in the impugned order in exercise of supervisory jurisdiction.

Thus this writ application is dismissed.

(Mungeshwar Sahoo, J)

siddharth/-

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