

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1713 of 2016

- =====
1. Habiba Khatoon widow of late Md. Shafi
 2. Md. Rafi
 3. Md. Khaleeqe sons of late Md. Shafi residents of village and Post Office Sidhauli Police Station Ashok Paper Mills, District - Darbhanga.
 4. Hameeda Khatoon daughter of late Md. Shafi and wife of Md. Sulaiman No. 4 is residents of village Sirol, Post Office Rabra, Police Station Khanpur, District Samastipur.
 5. Fahmida Khatoon daughter of late Md. Shafi and wife of Maulana Ahmad No. 5 is resident of village Kadru, Post Office Hussainabad Kadru, District Ranchi, Jharkhand.

.... Petitioner/s

Versus

1. Sabila Khatoon wife of Md. Shoaib Resident of village and Post Office Sidhauli, Police Station Sadar, Ashok Paper Mills, District Darbhanga.
2. Md. Asish alias Md. Noorani son of Abdul Qayyum No. 2 at present Assistant teacher, Government High School, S.D.O. Road, Hajipur, District Vaishali.
3. Md. Muslah alias Md. Qamrain
4. Md. Tarique Anwar alias Md. Nusleh Sons of late Abdul Qayyum
5. Ishrat Jahan alias Arash
6. Farhat Jahan alias Saba daughters of late Abdul Qayyum Nos. 3 to 6 are residents of village and Post Office, Sidhauli, Police Station Ashok Paper Mills (Hayaghat), District Darbhanga.
7. Ujra Khatoon wife of Md. Zafrul Alam No. 7 is resident of village Laroi, Distt. Vaishali.
8. Moneera Khatoon wife of Md. Tajuddin No. 8 is resident of village Sarai Sahu, Police Station - Dariyapur, District - Saran.
9. Md. Irfan
10. Md. Noman
11. Md. Gufran
12. Md. Rabbani
13. Md. Roomi Sons of Abdul Dayan Nos. 9 to 13 are residents of village Sidhauli Police Station Ashok Paper Mills, District Darbhanga.
14. Safina Khatoon wife of Kamr-e-Alam No. 14 is resident of Mohalla Karbighaya Burf Kothi, Patna.
15. Rizwana Khatoon wife of Ahmad No. 15 is resident of village Bhaluka, Police Station Lalbagh, District Darbhanga.
16. Safwana Khatoon wife of Afroz Alam
17. Abdul Daiyan son of Jaibun Nisan Nos. 16 and 17 are residents of village - Sidhauli, Police Station - Ashok Paper Mills, District - Darbhanga.
18. Md. Aslam
19. Abdul Kalam sons of late Md. Haseeb Nos. 18 and 19 are residents of village Sidhauli Police Station Ashok Paper Mills, District Darbhanga at present residing at 3/16 Narkuldanga, Main Road, Kolkata - 11, West Bengal.
20. Md. Razi son of late Md. Jawed Akhtar No. 20 is resident of village and Post Office Chand Chor, Mathurapur, Police Station Ujiarpur, District



Samastipur.

21. Md. Rafi
22. Md. Khalique Sons of late Md. Shafi Nos. 21 and 22 are residents of village and Post Office - Sidhauli, District Darbhanga.
23. Md. Hifzur Rahman
24. Haseebur Rahman Sons of Md. Tasleem Nos. 23 and 24 are residents of Village and Post Office Sidhauli Police Station Ashok Paper Mill, District - Darbhanga.
25. Md. Khursheed Alam son of late Manzoor Alam
26. Md. Tanvir Alam
27. Md. Tauqeer Alam Nos. 25 to 27 are residents of Mohalla Anwarpur, Post Office Hajipur, Police Station - Hajipur Town, District Vaishali.
28. Shahina wife of Md. Ashraf No. 28 is residents of village and post office Saghi, Via Rosera, Police Station Rosera, District Samastipur.
29. Gajala wife of Md. Sarfaroz No. 29 is resident of village and Post Office - Babhangama, Dalsinghsarai, Distt. Samastipur.
30. Bibi Zareena Begum wife of Md. Zafar No. 30 is resident of village Sidhauli, Police Station - Hayaghat, Distt. Darbhanga.
31. Sarswati Devi widow of Late Kari Sahu No. 31 is resident of village Sidhauli, Police Station Ashok Paper Mills, Distt. Darbhanga.
32. Shail Devi Daughter of Late Karu Sahu and wife of Hareram Sahu No. 32 is resident of village Bahpura, Police Station Singhia, District Darbhanga.
33. Bimal Devi daughter of late Kari Sahu and wife of Kamod Sahu No. 33 is resident of village and Post Office Bariaul, District Darbhanga.
34. Ram Sewak Sahu
35. Ram Chandar Sahu
36. Bharat Sahu
37. Banthu Sahu Sons of late Kari Sahu
38. Baidyanath Das
39. Surendra Das
40. Narayanji Das Sons of Mauli Das
41. Baue Lal Baitha
42. Ram Chandra Baitha Sons of Kishori Baitha
43. Khurshida Khatoon widow of late Md. Ekramul Haque
44. Md. Nizam
45. Md. Chand
46. Md. Sitaray
47. Md. Saddam Sons of late Md. Ekramul Haque Nos. 34 to 47 are residents of village Sidhauli, Police Station Hayaghat, Distt. Darbhanga.
48. Rani Khatoon daughter of late Md. Ekramul Haque and wife of Md. Moti
49. Fiza Khatoon daughter of late Md. Ekramul Haque and wife of Md. Kalim Nos. 48 and 49 are residents of village Shadipur, Kheraj Post Office Shadipur Bathnaha, Police Station Bathnaha, Warisnagar, District Samastipur.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Najmul Hoda
For the Respondent/s : Mr.



=====

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

4 09-11-2017 Having heard learned counsel for the parties and considering the fact that the contesting respondent namely respondent No. 1 is already represented and the only prayer made in this application is for restoration of Interlocutory Application No. 3706 of 2009 which was filed in a pending Second Appeal bearing Second Appeal No. 326 of 2005 and as the Interlocutory Application was dismissed only for want of prosecution, taking note of the totality of the circumstances, this application is allowed.

Accordingly, Interlocutory Application No. 3706 of 2009 available in the records of Second Appeal No. 326 of 2005 is restored to its original file.

With the aforesaid, the application stands allowed and disposed of.

(Rajendra Menon, CJ)

Shageer/-

U			
---	--	--	--

