

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.25243 of 2013

=====

Md. Khurshid Alam @ Md. Khurshid Ahmad @ Dr. Nasim @ Md. Nasim Shad S/O Late Md. Ismail @ Shambhu Babu Resident Of Village Vishambharpur Ailoth, P.S- Mushari Gharari, District- Samastipur.

.... Petitioner

Versus

1. Ajij Fatma @ Mostt. Ajij Fatma @ Nemat W/O Late Ahmad Ishak Resident Of Village Bishambharpur Ailothm, P.S- Mushari Gharari, District- Samastipur At Present Residing At Mohalla- Dharampur, New Colony, Ward No. 1, P.S- Samastipur, District- Samastipur.
2. Zabin Fatma @ Zabin Tarique D/O Late Ahmad Ishak And W/O Kazi Md. Najmutterique @ Tarique Anwar Resident Of Village Bishambharpur Ailothm, P.S- Mushari Gharari, District- Samastipur At Present Residing At Mohalla- Dharampur, New Colony, Ward No. 1, P.S- Samastipur, District- Samastipur.

.... Respondents

=====

Appearance :

For the Petitioner : Mr. Sujit Kumar Singh, Advocate
For the Respondents : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL ORDER

2 08-12-2017 This application has been filed to quash the order dated 03.09.2013 passed by District Judge, Samastipur in Miscellaneous Case No.44 of 2013 whereby and whereunder the Partition Suit No.129 of 2004 pending in the Court of learned Sub Judge-III, Samastipur was recalled and transferred to the Court of learned Sub Judge-I, Samastipur for disposal with a direction to dispose of the case as soon as possible as per law.

2. Heard learned counsel for the petitioner and perused the impugned order.

3. It appears that the respondents being plaintiff of



Partition Suit No.129 of 2004 filed a petition under Section 24 of the Civil Procedure Code for transfer of suit from the court of Sub Judge-III to any other court which after hearing was allowed. This order was passed about four years ago. The only grievance of the petitioner is that he was not heard before allowing the transfer petition. The respondents is in habit of harassing the petitioner in different ways which would appear from the perusal of orders passed by the court below on different occasion.

4. Thus, I find that the court below has not committed any jurisdictional error in passing the impugned order whereunder the suit was transferred to the Court of Sub Judge-I. I further find that no purpose would be served if impugned order is set aside.

5. In view of above facts, this application is dismissed.

(Sanjay Kumar, J)

B.Kr./-

U			
---	--	--	--

