

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.7 of 2017

In

Civil Writ Jurisdiction Case No. 12124 of 2013

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Syed Najib Ahmad son of Late Syed Lateef Ahmad, Mutawalli of Waqf Estate No. 705, Adda Road, Sasaram, resident of Mohalla Koran Sarai, Sasaram, Post Office Sasaram, Police Station Sasaram, District Rohtas.

.... Petitioner/s

Versus

1. Asiya Praveen wife of Najib Ahmad, resident of Mohalla Koran Sarai, Sasaram, Post Office Sasaram, Police Station Sasaram, District Rohtas.
 2. The Bihar State Sunni Waqf Board, Patna through its Chairman, Bihar State Sunni Waqf Board, Haj Bhawan, Harding Road, Patna.
 3. Sheikh Ishrat son of Late Sheikh Shafi, resident of Mohalla Koran Sarai (Rasulpur), Post Office Sasaram, Police Station Sasaram, District Rohtas.
 4. Sheikh Khurshid son of Late Sheikh Shafi
 5. Sheikh Azad son of Late Sheikh Shafi
 6. Laila Khatoon wife of Md. Kamran
 7. Nargis Khatoon wife of Md. Sadique daughter of Late Sheikh Shafi
- Respondent nos. 4 to 7 are residents of Mohalla Karan Sarai (Rusulpur), Post Office Sasaram, Police Station Sasaram, District Rohtas.
8. Sheikh Shaukat son of Sheikh Shafi
 9. Mustri Begam a wife of Late Md. Zahoor, D/o late Sheikh Shafi,
 10. Safada Bibi wife of Late Sheikh Shafi
- Respondent nos. 8 to 10 are residents of Karan Sarai (Rusulpur), PO-Sasaram, Police Station Sasaram, District Rohtas.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Khatim Reza, Adv.

For the Respondent/s

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL ORDER

4 01-12-2017 This application has been filed for reviewing the order dated 9th November 2016 passed in C.W.J.C. No. 12124 of 2013.

2. Heard learned counsels for the petitioner as well as the respondents.

3. It appears that the petition for amending the



written statement filed by the defendant no. 2 was rejected by the learned Court below. The defendant no. 2 by filing written statement has denied the case of plaintiff. The defendant no. 2 is non else than the husband of plaintiff. The defendant nos. 3 to 10 before the Court below are the contesting defendants. The defendant no. 2 in order to support the case of plaintiff wants to delete para 9 and 17 of written statement. He further wants to introduce a new case that he (defendant no. 2) orally gifted 0.120 hectre land to plaintiff over which she is in possession. This amendment is quite different to the earlier pleadings in the written statement. This Court has dismissed the C.W.J.C. No. 12124 of 2013 after considering the facts that after impleadment of Intervenor defendant, the plaintiff and defendant no. 2 connived and the defendant has admitted the case of plaintiff.

4. In view of above discussion I do not find any force in the submission of learned counsel to review the earlier order. This application is therefore dismissed.

(Sanjay Kumar, J)

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