

IN THE HIGH COURT OF JUDICATURE AT PATNA
Second Appeal No.82 of 2016

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1. Most. Naseema Khatoon, Wife of Late Abdus Sattar
 2. Asma Khatoon, Daughter of Late Abdus Sattar
 3. Hajara Khatoon @ Mangli, Daughter of Late Abdus Sattar
 4. Raunaque @ Raunaque Perveen, Daughter of Late Abdus Sattar
 5. Sajni @ Sajan Perveen, Daughter of Late Abdus Sattar null
 6. Nabi Hussain, Son of Late Abdus Sattar
- All Resident of village- Churi Patti College Road, P.O. + P.S.,
District- Kishanganj

... .. Appellant/s

Versus

1. Md. Ziauddin Ansari Son of Sahiuddin Ansari
 2. Md. Jasumuddin Ansari, Son of Sahiuddin Ansari
 - Both Resident of village- Churi Patti, P.O. + P.S.+ District- Kishanganj
 3. Noor Hussain, sonof Late Abdus Sattar
 4. Fatima Khatoon, Daughter of Late Abdus Sattar
 5. Ali Hasan, Son of Abdus Sattar
 6. Noor Alam, Son of Late Abdus Sattar
- 3-6 are resident of village- Churi Patti College Road, P.O. + P.S., District-
Kishanganj

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Manish Dhari Singh
		Mr. Tarique Yazdani
For the Respondent/s	:	Mr. Rajni Kant Jha

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

4 22-12-2017 An affidavit has been filed today on behalf of the appellants. In the said affidavit, the appellants have sought permission to withdraw this second appeal with a prayer to allow five months' time to vacate the premises, in question.

Learned Counsel for the respondents has no objection to the prayer made on behalf of the appellants.

In view of the affidavit filed on behalf of the appellants, this second appeal is dismissed as withdrawn.



The matter relates to eviction from the suit premises. The appellants have been held to be the tenants. The appellate court below has granted the decree of eviction. The eviction proceeding, being Eviction Case No. 01 of 2016, is pending in the Court of learned Munsif I, Kishanganj.

In view of the stand taken on behalf of the appellants and the respondents, it is observed that the appellants shall vacate the suit premises by 31st May, 2018.

Till that date, the execution proceeding shall remain stayed.

Any breach of undertaking given by the appellants shall amount to contempt of this court.

Learned Counsel appearing on behalf of the appellants has submitted that withdrawal of the second appeal shall not prejudice the appellants' claim, which may arise in appropriate proceeding of his title over the property, in question, since the question of title could not be and has not been adjudicated upon in the eviction case.

It goes without saying that the appellants shall have such liberty if the same is permissible under law.

(Chakradhari Sharan Singh, J)

Prabhakar Anand/-

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