

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Review No.256 of 2018

In

C.Misc. 186 of 2018

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1. Dr. S. M. Ali Imam, Son of Late S. M. Zareef, Secretary of the Rauf Muslim Jamia (R.M.J.) At and P.S. + P.O.-Bahera, District-Darbhangha (Bihar).

2. S.M. Zafar Imam Son of Late S.M. Zareef, President of the Rauf Muslim Jamia (R.M.J.) At and P.S. + P.O.-Bahera, District-Darbhangha (Bihar).

.... Petitioner/s

Versus

1. S. M. Naiyer Imam, Son of Late S.M. Zareef, Permanent Resident of Mohalla-Quaziana, P.O. and Police Station-Bahera, District-Darbhangha, Pin Code-847201 and at Present residing at 101-B, Hytech Apartment, Road, No.3, New Patlipura Colony, P.O. and Police station-Patliputra, District-Patna, Pin Code-800013.

2. Naiyer Azam, Son of Late M.S. Usmani, Resident of Village and P.O. Amari, Police Station-Khodawandpur, District-Begusarai, Pin Code-848202.

3. Tashkil Kaifi.

4. Hafiz Tauqeer Saifi. Both Sons of Late S.M. Zaheer Alam, Resident of At & P.O. & P.S. Mahuwa, District-Vaishali, Pin Code-844121.

5. Samsul Hoda, Son of Late Md. Soyeb, Resident of Mohalla-Qaziyana, P.O. and Police Station-Bahera, District-Darbhangha, Pin Code- 847201.

.... Respondent/s

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Appearance :

For the Petitioner/s : M/s. R.K.P. Singh & Sarvdeo Singh

For the Respondent/s : Mr. R.S. Pradhan, Sr. Adv.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR

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ORAL ORDER

3 14-08-2018 Heard Mr. R.K.P. Singh, learned counsel assisted by Mr. Sarvdeo Singh, learned counsel appearing on behalf of the petitioners and Mr. R.S. Pradhan, learned senior counsel appearing on behalf of the opposite party.

This Civil Review petition is filed for review of the order dated 17.07.2018 by which the Sub Judge-III, Darbhanga was directed to dispose of Title Suit No. 189 of 2014 and Misc. Case No. 60 of 2017 as soon as possible, preferably, within three months from the date of receipt of this order without staying



further proceeding of Title Suit No. 189 of 2014 but now the Title Suit No. 189 of 2014 has been transferred to the Court of learned Sub Judge-VI from the Court of Sub Judge-VII and Misc. Case No. 60 of 2017 is pending before the learned Sub Judge-VI.

Mr. R.K.P Singh, learned counsel for the petitioners, after some argument, seeks permission to withdraw this petition with liberty to file a petition before the learned District Judge for transfer of both the case, Title Suit No. 189 of 2014 and Misc. Case No. 60 of 2017, in one Court so that the order passed in Civil Misc. No. 186 of 2018 be complied with and both the cases be heard together by one Court.

Accordingly, this Civil Review petition is disposed of as withdrawn. If the petitioners file petition before the learned District Judge, Darbhanga to transfer both the cases, Title Suit No. 189 of 2014 and Misc. Case No. 60 of 2017, the learned District Judge shall consider the prayer of the petitioners favorably and for the sake of convenience pass necessary order so that both the cases be heard side by side in one Court.

(Prabhat Kumar Jha, J)

BKS/Rajan

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