

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.20575 of 2014

Abdul Kalam, son of Md. Abdul Salam Mallik Marhum, resident of village-Peduka, P.S. Asthawan, P.O. Belchhi, District-Nalanda.

... .. Petitioner/s

Versus

1. Sri Sima Mallik, wife of Chint Mallik, resident of Mohalla-Alamganj, Biharsharif, District-Nalanda.
2. Smt. Sajada Khatoon, wife of Jaweduddin, Maternal grand daughter of Matiur Rahman, Marhum, resident of Mohalla-Alamganj, Biharsharif, District-Nalanda
3. Mohammad Khalid Ibrahim, son of Halim Mallik Marhum, resident of Mohalla-Chhoti Bazar, P.O. Jhauganj, P.S. Machcharhatta, Patna City, District-Patna,
4. Harun Rashid, son of Md. Abdul Salam, resident of Mohalla-Laheri, P.O. Biharsharif, District-Nalanda,
5. Md. Shamim Akhtar, son of Md. Abdul Salem, resident of Mohalla-Laheri, P.O. Biharsharif, District-Nalanda,
6. Bibi Sultana Khatoon, wife of Mannan Khan &
7. Mannan Khan, son of Md. Jamil Khan, both are resident of Mohalla-Bhainsasur, Town-Biharsharif, District-Nalanda.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Najmul Hoda, Advocate
		Mr. Arjun Prasad, Advocate
For the Respondent/s	:	Mr. Khatim Reza, Advocate

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT

Date : 04-12-2018

This application has been filed for quashing the order dated 29.01.2014 passed by Sub Judge-VII, Biharsharif, Nalanda in Title Suit No.38 of 1994 whereunder the amendment petition filed by the petitioner was rejected.

2. Heard the learned counsel for the petitioner as well as learned counsel for the respondents and perused the I.A.No.3023 of 2016.



3. It appears that after the death of sole petitioner Abdul Kalam, this writ application was dismissed on 20.06.2018. The petitioner of I.A.No.3023 of 2016 filed Miscellaneous Jurisdiction Case No.2074 of 2018 and on his prayer this writ application restored.

4. It has been submitted that the respondent no.5 is own brother of petitioner Abdul Kalam (since dead) and so in order to proceed with this writ application, he is necessary to be transposed in the category of petitioner.

5. On going through the impugned order and writ petition, I find that the interest of respondent no.5 was quite adverse to the interest of the writ petitioner and so he cannot be substituted in place of Abdul Kalam. This being the position, this application is not sustainable and is dismissed. This writ application, on account of death of petitioner has become infructuous and is accordingly dismissed.

(Sanjay Kumar, J)

B.Kr./-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	07.12.2018
Transmission Date	N/A

