

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Review No.378 of 2017

In
CIVIL MISCELLANEOUS JURISDICTION No.1305 of 2016

Najmul Hoda, Son of Late Sk. Alijan, Resident of Village- Aswani Banjariya,
P.O. Patti Aswari, P.S. Kathaiya, District- Muzaffarpur.

... .. Defendant... ..Petitioner

Versus

1. Md. Mukhtar
2. Md. Maqbul @ Md. Maqbool
3. Md. Faizuddin
4. Md. Moion

All are sons of Late Md. Usman, Resident of Village-Aswani Banjariya, P.O.
Patti Aswari, P.S. Kathaiya, District-Muzaffarpur.

... .. Respondent Ist Set... ..Plaintiff Opposite Party

5. Mokima Khatoon, Daughter of Late Usman, Resident of Village- Aswani
Banjariya, P.O. Patti Aswari, P.S. Kathaiya, District-Muzaffarpur at present
residing in Villge-Mornisf, P.O. Kerma, P.S. Maniyari, District-Muzaffarpur

... ..Plaintiff... .. Opposite Party

6. Samrun Nisha, Wife of Md. Murtuza
7. Amana Khatoon, Wife of Late Sk. Subajan
8. Md. Abdul Aish, Son of Late Sk. Subajan
9. Sakila Khatoon, Daughter of Late Sk. Subajan
10. Hasila Khatoon, Daughter of Late Sk. Subajan
11. Saina Khatoon, Daughter of Late Sk. Subajan
12. Saina Khatoon, Daughter of Late Sk. Subajan

... .. Defendant... .. Opposite Party

13. Anchitlal Singh, Son of Late Khelawan Singh
14. Pitambar Singh, Son of Late Kapileshwar Singh

... .. Defendants... .. Opposite Party

15. Wakil Singh, Son of Late Kamal Singh
16. Uma Singh, Son of Bindeshwari Singh
17. Gorindra Singh, Son of Late Genalal Singh
18. Devendra Singh, Son of Late Genalal Singh
19. Teju Singh, Son of Late Genalal Singh
20. Bali Singh, Son of Late Genalal Singh
21. Md. Sageer, Son of Abdul Rajaque
22. Md. Hasir, Son of Late Abdul Rajaque
23. Pankaj Kumar Singh, Son of Late Baidyanath Singh
24. Neeraj Kumar Singh, Son of Late Baidyanath Singh
25. Dheeraj Kumar Singh, Son of Late Baidyanath Singh
26. Sabaji Devi, Wife of Late Jang Bahadur Singh
27. Sushila Devi, Daughter of Late Jang Bahadur Singh
28. Malati Devi, Wife of Late Ram Bahadur Singh
29. Geeta Devi, Daughter of Late Ram Bahadur Singh
30. Sanjay Kumar Singh, Son of Late Ram Bahadur Singh
31. Tarkeshwar Singh, Son of Late Ram Bahadur Singh
32. Vijay Pratap Singh, Son of Late Ramdeo Singh
33. Gauri Singh, Son of Late Ramdeo Singh



34. Shashi Singh, Son of Late Ramdeo Singh
35. Jogi Rai, Son of Late Birju Rai
36. Shiv Chandra Rai, Son of Late Deo Charan Rai
37. Ram Chandra Rai, Son of Late Deo Charan Rai
38. Bindeshwar Rai, Son of Late Langar Rai
39. Ram Chandra Rai, Son of Late Deo Lakhan Rai
40. Bararas Rai, Son of Late Jugal Rai
41. Baidyanath Rai, Son of Late Jugal Rai
42. Lakhindra Rai, Son of Late Jugal Rai
43. Rajdeo Rai, Son of Late Nathuni Rai
44. Gagandeo Rai, Son of Late Nathuni Rai
45. Bishwanath Rai, Son of Late Panchu Rai
46. Jagarnath Rai, Son of Late Panchu Rai
47. Gopal Rai, Son of Late Panchu Rai
48. Chandra Rai, Son of Late Bhadaï Rai
49. Jagdish Rai, Son of Late Bhadaï Rai
50. Anandi Rai, Son of Late Bhadaï Rai
51. Dharmdeo Rai, Son of late Bhadaï Rai
52. Shuna Pandit, Son of Late Budhu Pandit
53. Jageshwar Pandit, Son of Late Doma Pandit
54. Bipat Mian, Son of Late Illani Mian,
55. Md. Israil Ansari, Son of Jal Mohammad
56. Lal babu Mian, Son of Late Sk.Abdul Samad
57. Raji Ahmad, Son of Late Md. Jamil
58. Absar Ahmad, Son of Late Md. Jamil
59. Seraj Ahmad, Son of Late Md. Jamil
60. Feraj Ahmad, Son of Late Md. Jamil
61. Parvez Ahmad, Son of Late Md. Jamil
62. Md. Zafir, Son of Late Sk.isha
63. Md. Mumtaz, Son of Late Samsul Hoda
64. Osi Mohammad, Son of Late Samsul Hoda
65. Anwar Ahmad, Son of Late Abdul Wahab
66. Tasheem Kaushar, Wife of Late Md. Maqbool
67. Saukat Nigar
68. Sumbul Nigar
69. Nudarat Nigar

Above 67-69 are minor Daughter of Late Md. Maqbool under the guardianship of their mother Tasheem Kaisher

70. Mangal Sahani, Son of Late Saryug Sahani
71. Jai Mangal Sahani, Son of Late Saryug Sahani
72. Ramchandra Sahani, Son of Late Saryug Sahani

All 6-72 are resident of Village-Aswani Banjariya, P.O. Patti Aswari, P.S. Kathaiya, District-Muzaffarpur

...Defendant... Opposite Party...Respondents IIInd Set...Opposite Party

73. Most Manorama Kuer, Wife of Late Bhawani Singh
74. Balendra Singh, Son of Late Bhawani Singh
75. Devendra Singh, Son of Late Bhawani Singh
76. Sitaram Singh, Son of Late Sukun Singh
77. Matuk Singh, Son of Late Deep Narain Singh,

All 73-77 are resident of Village-Aswani Banjariya, P.O. Patti Aswari, P.S. Kathaiya, District-Muzaffarpur.

... Defendant... Respondent IIIrd Set...Opposite Party



Appearance :

For the Petitioner/s : Mr. Saba Ashfaque
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL JUDGMENT

Date : 26-09-2018

Heard the learned counsel for the petitioner.

2. The petitioner has filed this civil review for reviewing the order dated 09.12.2016 by which the Civil Miscellaneous Case No. 1305 of 2016 has been dismissed.

3. The learned counsel for the petitioner submits that by the impugned order dated 16.07.2015 passed in Miscellaneous Case no. 8 of 2000, the Munsif, West Muzaffarpur dismissed the Misc. Case No.8 of 2000 on account of non-filing of the requisition for issuance of notice on opposite party no. 41. The miscellaneous petition is liable to be dismissed only against opposite party no.41 but instead of dismissing the miscellaneous petition on account of non-compliance of the order of the Court by filing requisition for issuance of notice on opposite party no.41 of the miscellaneous case, the entire miscellaneous case has been dismissed but this Court did not consider that aspect of the matter.

4. I find no apparent illegality in the order dated 09.12.2016 passed in Civil Miscellaneous Case No.1305 of 2016



as the order says that the petition was dismissed for non-compliance of the order and the same is a routine order. Accordingly, I do not find any merit in this civil review petition and the same is dismissed.

(Prabhat Kumar Jha, J)

S.KUMAR/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	01.10.2018
Transmission Date	NA

