

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.817 of 2017

1. Md. Shahabuddin son of Late Md. Mustak,
2. Md. Ainisuddin @ Imtiyaz, son of Late Md. Mustak, Both resident of Siwan Kasba, Mohalla- Kaghzi, P.O. and Police Station- Siwan Town District- Siwan.

... .. Petitioners

Versus

1. Shahida Umar wife of Marazuddin Ahmad, Resident of Siwan Kasba, Mohalla- Kaghzi, P.O. and Police Station- Siwan Town District- Siwan.
2. Khurshid Fatma, D/o Late Md. Mustak,
3. Antim Fatma, D/o Late Md. Mustak, Both resident of Siwan Kasba, Mohalla- Kaghzi, P.O. and Police Station- Siwan Town District- Siwan.

... .. Respondents

Appearance :

For the Appellant/s	:	Mr. Bijay Prakash Singh, Adv.
For the Respondent/s	:	Mr. Chandra Kant, Adv.
		Mr. Navin Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT

Date : 13-09-2019

Heard learned counsel for the petitioners.

2. This application under Article 227 of the Constitution of India has been filed by the petitioners challenging the order dated 14.02.2017 passed by the learned District Judge, Siwan in Misc. Case No. 108 of 2016 whereby Title Appeal No. 81 of 2014 and Eviction Appeal No. 02 of 2010 have been recalled from the court of Additional District Judge-III, Siwan to be disposed of by the learned District Judge.

3. The operative part of the impugned order states that Title Appeal No. 81 of 2014 and Eviction Appeal No. 02 of 2010



were recalled from the court of Additional District Judge-III, Siwan by the District Judge with the consent of the parties. Learned counsel appearing for both the parties stated before the court that it would be better to recall both the records from the court of Additional District Judge-III, Siwan so that no further imputation can be made by any of the parties against the court concerned.

4. Since the order impugned is an order passed with the consent of the petitioners, I see no reason to interfere with the same. The application is dismissed.

5. The District Judge, Siwan is directed to expedite the hearing of both the appeals and dispose them of as early as possible preferably within six months from the date of receipt/production of a copy of the order.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	18-09-2019
Transmission Date	

