

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13622 of 2014

1. Firoz Ahmad Khan Son of Late Abdul Hafeez Khan
2. Sarfaraz Ahmad Khan Son of Late Abdul Hafeez Khan
3. Most. Amir Begum Widow of Late Abdul Hafeez Khan All resident of Mohalla Sari Syed Afzal Commonly known as Company Bagh Saraiganj, Town, Muzaffarpur, P.S. Muzaffarpur, P.O.- H.P.O., Muzaffarpur Munsifi and District- Muzaffarpur.
4. Aftab Alam Son of Late Abu Zafar
5. Mahtab Alam Son of Late Abu Zafar
6. Sarfaraz Alam Son of Late Abu Zafar
7. Rehana Khatoon Widow of Late abu Zafar
8. Sultana Khatoon Wife of Md. Ekbal & daughter of Late Abu Zafar
9. Nikhar Ara Wife of Md. Jasim & daughter of Late Abu Zafar
10. Rajia Khatoon Wife of Irshad Alam & daughter of Late Abu Zafar
11. Nahid Jahan Wife of Tanweer Alam & daughter of Late Abu Zafar
12. Kaushar Jahan daughter of Late Abu Zafar All resident of Mohalla Saraiganj, Jogiamath Town- Muzaffarpur, P.O.- H.P.O. Muzaffarpur Munsifi Muzaffarpur, East, District- Muzaffarpur.
13. Md. Soib Alam @ Chand Baboo Son of Late Kamrul Hoda @ Laddu Mia
14. Md. Sohail Alam Son of Md. Soib Alam @ Chand Baboo Both resident of Mohalla Islampur Town- Muzaffarpur, P.O.- H.P.O. Muzaffarpur Munsifi Muzaffarpur, East District- Muzaffarpur.
15. Md. Haroon
16. Md. Rizwan
17. Md. Fargan
18. Md. Zafeer Alam
19. Md. Sultan All sons of Md. Nayeem All resident of Mohalla- Islampur Bank Road, Town- Muzaffarpur, P.O.- H.P.O., Muzaffarpur Munsifi Muzaffarpur, East District- Muzaffarpur.

... .. Petitioner/s

Versus

- 1.1. Raghubansh Singh
- 1.2. Brijbansh Singh
- 1.3. Randhir Prasad Singh @ Kishor Singh All Sons of late Ram Ekbal Singh All Resident of Village- Ratanpura, P.O. and P.S. Motipur, District- Muzaffarpur at Present Resident of Mohalla- Jagiamath Company Bagh, P.O. Head Post Office- P.S. Town, District- Muzaffarpur.
2. The State of Bihar through Collector, Muzaffarpur, District Muzaffarpur.
3. Anchal Adhikari, Musahari Anchal At and P.O.- Musahari, District-



Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Md. Anis Akhtar
For the Respondent/s : Mr.Aag8-Gautam Bose

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

7 03-07-2019 After some arguments, the learned counsel for the petitioners does not wish to press the present writ petition in view of the fact that the learned trial court by the impugned judgment dated 03.05.2014 passed in Title Suit No. 157 of 2004, pending before the learned court of Sub-Judge-IV, Muzaffarpur has observed that after the newly added defendants i.e. the petitioners herein produce the evidence, the court will consider the request of the petitioners to permit them to cross- examine the witnesses who have already been examined.

This Court is of the view that since the issue of cross examination of the 'already examined witnesses' is still open for consideration by the learned court below, no prejudice has yet been caused to the petitioners herein. This position, as existing on facts and in law, is not disputed by the respondents of the present case, hence, the writ petition stands disposed of as not pressed, however, with a direction to the learned trial court to permit the petitioners herein to examine their witnesses, whereafter, it shall take a call on the prayer of the petitioners for



cross examination of the already examined witnesses in the said
case, by passing appropriate orders.

(Mohit Kumar Shah, J)

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