

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.164 of 2019

Najeeb Ahmad alias Md. Najeeb Ahmad S/o Late Abdul Majeed Resident of
Chaudhary Mohalla, P.s.-Katihar, Distt.-Katihar

... .. Petitioner/s

Versus

1. Sanjay Singh,
2. Smt. Krishna Singh
3. Smt. Mirdula Singh
4. Smt. Baby Sigh
5. Smt. Archana Singh
6. Rahul Kumar Singh.
All son and daughter of Late Kritya Nand Singh Vill.-Kaharpur, P.s.-Bihpur,
Distt.-Bhagalpur
7. Rajib Kumar Singh,
8. Amrita Singh
All sons of Late Sashi Bhusan Singh and resident of Vill.-Kaharpur, P.s.-
Bihpur, Distt.- Bhagalpur
9. Nilu W/o Chaudhary Azizul Hassan Resident of Chaudhary Mohalla, P.s.
and Distt.-Katihar
10. Rahiqur Rahman S/o Late Chaudhary Rafiqur Rahman Resident of Saifganj,
Bara Bazar, P.s. and Distt.-Katihar
11. Haroon Rashid
12. Taj Mohammad
sons of Late Choudhary Hasan Mohammad, both Resident of Tajdeohri,
R.K.Mission Road, P.s. and Distt.-Katihar
13. Nawaz Ahmad S/o Md. Taufique
14. Afroz Tarannum W/o Late Md. Shahid
15. Akram Shahin S/o Late Md. Shahid
All Resident of Choudhary Mohalla, P.s. and P.o. and Distt.-Katihar
16. Zafarur Rahman S/o Late Jamilur Rahman Resident of Zafar Manzil,
Karimganj, P.s.-Civil Line, Distt.-Gaya
17. Tafzil S/o Late Isrsail R/o Ganja Pati, P.s. and Distt.-Katihar
18. Rizwanur Rahman S/o Late Ghulam Fazlur Rahman Resident of 301, Safa
Apartment, Behind Punjab Sweet House, Main Road, Ranchi
19. Md. Bux Estate Katihar Through the defendants of late Choudhary, Md. Bux
P.s. and Distt.-Katihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Mohammed Abu Haidar, Advocate



For the Respondent/s :

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL ORDER

2 22-01-2020 The petition filed on 11.02.2019 is listed for hearing
for the first time today before the Court.

Petitioners have prayed for the following relief:

“For quashing/set-aside the order dated 06.10.2018 passed in T.S. No. 239 of 2004 by the learned Sub-Judge-II, Purnea whereby and whereunder the application filed by Defendant No. 3, Nazeeb Ahmad to hold that the suit is barred by Section 85 of the Wakf Act, 1995, has been rejected.”

The impugned order assailed by the petitioner in the present petition filed under Article 227 of the Constitution of India reads as under:-

“6.10.2018. Present learned counsel for plaintiffs.

Attendance filed on behalf of the Defendant No. 3 and 4[A] also, but none appeared despite repeated calls.

Heard learned counsel for plaintiff on petition date 18.09.18. By inadvertent mistake, the signature of the then P.O. could not be made on Ext. 6 and 7 vide order dated 25.09.17 and 11.09.17. This is a clerical mistake. Hence, prayer allowed and Exhibits 6 and 7 were signed today. Petition disposed off.

Today, one more petition has been filed on



behalf of defendant No. 3. As said earlier, none came to move the petition. Perusal of record shows that similar petition/prayer was made earlier and was rejected/decided vide order dated 18.05.2013, Revision was also filed vide CWJC No. 1119 of 2014, which was also rejected vide order dated 22.10.2016 by the Hon'ble High Court. Now, this court cannot act as a court of appeal/revisional court for any order passed by the Hon'ble High Court, which the petitioner wants in substance. This petition is not maintainable and seems vexatious. Hence, petition rejected with cost of Rs. 100000/=.

Put up on 12.10.2018 for DE.”

Page 65 is the judgment rendered by this Court in C.W.J.C. No. 1119 of 2014, titled as Rizwanur Rahman Vs. Srimati Bhanu Devi & Ors. Now, simply because the petitioner seeks review of the said judgment, cannot be the reason sufficient enough to interfere in the present petition, holding the order, impugned herein, to be perverse or illegal.

The learned trial Judge rightly held the petitioner's application to be misconceived and vexatious, more so, in view the directions issued by this Court in C.W.J.C. No. 1119 of 2014 (supra). As such, the impugned order dated 06.10.2018 passed in T.S. No. 239 of 2004, cannot be said to be illegal, perverse or erroneous.



The petition is accordingly dismissed.

(Sanjay Karol, CJ)

P.K.P./-Sushma

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