

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.4063 of 2016

In
SECOND APPEAL No.316 of 1986

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1. Naseem Bano, Widow of Zahiruddin Ashraf
 2. Kaokab Zahan
 3. Kainat Ashraf, Both daughters of Late Zahiruddin Ashraf, All residents of Bashir Colony, At and P.S. Muzaffarpur District- Muzaffarpur.

... .. Petitioner/s

Versus

1. Syed Afzalur Rahman, Son of Syed Md. Sulaiman, resident of Village-Khizir Chak, Pargana Malki, P.S.- Teghra District Begusarai.
2. The Bihar State Sunni Waqf Board, Gulab Bagh, P.S. Pirbahore, Presently Fraser Road, P.S. Kotwali, Town and District-Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Lala Sachindra Kumar, Advocate
For the Opposite Party/s : Mr. Md. Helal Ahmad, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT

Date : 09-12-2021

The instant petition stands filed for restoration of Second Appeal No. 316 of 1986, titled as Syed Zabruddin Ashraf Vs. Syed Afzaber Rahman & Ors., which stood dismissed for default, vide order dated 26.11.2013 passed by a coordinate Bench of this Court.

Record reveals that the instant petition has been filed after a period of 2 years 10 months and 28 days. No reason, sufficient enough, explaining the delay in filing the application emanates from the record. Also, there is no justification for



recall of the order. At some stage, parties must put a quietus to the litigation. Second Appeal No. 316 of 1986, titled as Syed Zabruddin Ashraf Vs. Syed Afzaber Rahman & Ors. was dismissed in default on 26.11.2013, whereas the instant application for restoration was filed on 30.11.2016. Parties have been litigating much prior to the year 1970. The judgment and decree dated 14.07.1970 was subject matter of the appeal. The judgment and decree passed by the trial court stands affirmed by the lower Appellate Court, subject matter of the Second Appeal. That apart, no ground, sufficient enough, is made out for allowing this petition.

As such, the instant petition stand dismissed.

(Sanjay Karol, CJ)

P.K.P./Amrendra

AFR/NAFR	
CAV DATE	
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