

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.203 of 2021

1. Md. Zubair alias Md. Zubair Alam Son of Late Abdul Azim Permanent resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar. Presently residing at Birpara, P.S.- Birpara, District- Jalpaiguri, West Bengal.
2. Md. Sabbir Son of Late Abdul Azim Permanent resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar. Presently residing at Birpara, P.S.- Birpara, District- Jalpaiguri, West Bengal.
3. Md. Zafar alias Md. Zafar Alam Son of Late Abdul Azim Permanent resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar. Presently residing at Birpara, P.S.- Birpara, District- Jalpaiguri, West Bengal.
4. Md. Ibrar alias Md. Abrar Alam Son of Late Abdul Azim Permanent resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar. Presently residing at Silliguri, P.S.- Bhaktinagar, District- Siliguri, West Bengal.
5. Md. Anwar alias Md. Anwar Alam Son of Late Abdul Azim Permanent resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar.
6. Amir Khushro alias Md. Amir Khushru Son of Late Abdul Azim Permanent resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar.

... .. Petitioner/s

Versus

1. Mirja Sayeed Beg Son of Mirja Ahmad Beg Resident of Village Begampur, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar.
2. Mirja Anjar Beg Son of Mirja Ahmad Beg Resident of Village Begampur, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar.
3. Bibi Sabra Begam W/o Late Abdul Azim Resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar.
4. Md. Kalam Son of Md. Islam Resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar.
5. Md. Salim Son of Md. Islam Resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar.
6. Md. Alim Son of Md. Islam Resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar.
7. Bibi Ishrat D/o Md. Islam, W/o Md. Hasim Resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar.
8. Md. Ayub Son of Late Abdul Azim Resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar.
9. Md. Kadir Son of Late Abdul Azim Resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar.



10. Md. Nasir Son of Late Abdul Azim Resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar.
11. Md. Jarrar Son of Late Abdul Azim Resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar.
12. Salma Khatoon D/o Late Abdul Azim Resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar.
13. Husna Bano D/o Late Abdul Azim Resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar.
14. Bibi Sabra Khatoon W/o Late Abdul Azim Resident of Village- Nagarbasti, P.O.- Begampur, P.S.- Warisnagar, District- Samastipur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Yashraj Bardhan
Mr. Abhay Shankar Singh
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

6 21-02-2022 Vide impugned order dated 04.12.2020, the learned 5th Additional Sessions Judge, Samastipur has rejected the restoration petition filed by way of Misc. Case No. 30/2020 to set aside the order dated 08.12.2019 passed in Misc. Case No.01/2016 dismissing that Misc. Case No. 01/2016 in default of the petitioners.

The impugned order appears to be appealable under Order 43 of the Code of Civil Procedure, as such, this miscellaneous petition is not maintainable, as the alternative statutory remedy is available with the petitioners. Accordingly, it is dismissed.

(Nawneet Kumar Pandey , J)

Mahesh/Kamlesh

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