

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.62 of 2022

1. Md. Shamsheer Alam alias Pappu, Son of Late Md. Qamre Alam, Resident of Mohalla - Rahamganj, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga.
2. Mosarrat Ara, Wife of Md. Nizamuddin, daughter of Late Md. Qamre Alam, Resident of Mohalla - Rahamganj, P.O. - Lalbagh, P.S. Laheriasarai, District- Darbhanga.
3. Ishrat Parween, Wife of Md. Akhlaque, daughter of Late Md. Qamre Alam Resident of Mohalla - Rahamganj, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846001.
4. Sabiya Naj, Daughter of Late Md. Qamre Alam, Resident of Mohalla - Rahamganj, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga.
5. Razia Sultana, Daughter of Late Md. Qamre Alam Resident of Mohalla - Rahamganj, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga.
6. Shaziya Zeba, Daughter of Late Md. Qamre Alam, Resident of Mohalla - Rahamganj, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga.
7. Husna Bano, Wife of Late Md. Qamre Alam, Resident of Mohalla - Rahamganj, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. Md. Izharul Haque, Son of Late Md. Kalim, Resident of Mohalla - Rahamganj, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
2. Md. Ansarul Haque, Son of Late Md. Kalim, Resident of Mohalla - Rahamganj, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
3. Naseema Khatoon, Wife of Abdur Qadir Daughter of Late Md. Kalim, Resident of Mohalla - Mulla Halim Khan, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
4. Ishrat Begam, Wife of Md. Qaisar Sk., daughter of Late Md. Kalim, Resident of Village - Arai, P.O. - Arai, Birdipur, P.S. Simri, District- Darbhanga, Pin Code - 847106.
5. Md. Nizamuddin, Son of Md. Zahdoorul Haque, Resident of Mohalla - Rahamganj, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
6. Md. Shahabuddin Son of Md. Zahdoorul Haque Resident of Mohalla - Rahamganj, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
7. Nasibua Nisha, Wife of Sher Mohammad daughter of Md. Zahoorul Haque, Resident of Village - Qaziana Dih, P.O. - Bahera, P.S. - Bahera, District- Darbhanga, Pin Code - 847201.
8. Nurun Nisha, Wife of Md. Zakir Hussain daughter of Md. Zahoorul Haque, Resident of Mohalla - Khanquah Chouk, P.O. - Lalbagh, P.S. - Town,



Laheriasarai, District- Darbhanga, Pin Code - 846004.

9. Md. Chand, Son of Late Md. Daud Resident of Mohalla - Faizullah Khan, P.O. - Lalbagh, P.S. - Laheriasarai, District - Darbhanga, Pin Code - 846004.
10. Md. Tara, Son of Late Md. Daud, Resident of Mohalla - Faizullah Khan, P.O. - Lalbagh, P.S. - Laheriasarai, District - Darbhanga, Pin Code - 846004.
11. Md. Gulzar, Son of Late Md. Shakoor, Resident of Mohalla - Rahamganj, P.O. Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin code - 846004.
12. Md. Ishar, Son of Late Md. Shakoor Resident of Mohalla - Rahamganj, P.O. Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin code - 846004.
13. Md. Zulfakar, Son of Late Md. Shakoor Resident of Mohalla - Rahamganj, P.O. Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin code - 846004.
14. Md. Ibrar, Son of Late Md. Shakoor Resident of Mohalla - Rahamganj, P.O. Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin code - 846004.
15. Nanhi Khatoon, Wife of Abdul Rahim Daughter of Late Md. Shakoor, Resident of Mohalla - Rahamganj, P.O. - Lalbagh, P.S. Laheriasarai, District- Darbhanga, Pin Code - 846004.
16. Bhullan Khatoon, Wife of Md. Lal Babu and daughter of Late Md. Shakoor, Resident of Mohalla - Mahesh Patti, P.O. - Lalbagh, P.S. Laheriasarai, District- Darbhanga, Pin Code - 846004.
17. Guriya Khatoon Wife of Md. Hussain, daughter of Late Md. Shakoor Resident of Mohalla - Mahesh Patti, P.O. - Lalbagh, P.S. Laheriasarai, District- Darbhanga, Pin Code - 846004.
18. Md. Manzoor, Son of Late Abdul Gafoor, Resident of Mohalla - Rahamganj, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
19. Romana Khatoon Wife of Late Md. Haidar Resident of Mohalla - Faizullah Khan, P.O. Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
20. Zaki Haidar, Son of Late Md. Haidar, Resident of Mohalla - Faizullah Khan, P.O. Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
21. Razi Haidar, Son of Late Md. Haidar, Resident of Mohalla - Faizullah Khan, P.O. Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
22. Rafi Haidar Son of late Md. Haidar, Resident of Mohalla - Faizullah Khan, P.O. Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
23. Wasi Haidar (Minor) Son of Late Md. Haidar under the guardian ship of their Mother Roman Khatoon. Resident of Mohalla - Faizullah Khan, P.O. Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
24. Shama Tabrez (Minor), Son of Late Md. Haidar under the guardian ship of their Mother Roman Khatoon. Resident of Mohalla - Faizullah Khan, P.O. Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
25. Sumaiya Praween (Mior) Daughter of Late Md. Haidar under the guardian ship of their Mother Roman Khatoon. Resident of Mohalla - Faizullah Khan, P.O. Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
26. Md. Safdar, Son of Late Md. Usman and Late Najmua Nisha, Resident of Mohalla - Faizullah Khan, P.O. - Lalbagh, P.S. - Laheriasarai, District-



Darbhanga, Pin Code - 846004.

27. Md. Ashraf Ali, Son of Late Md. Mokarram Ali, Resident of Mohalla - Faizullah Khan, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
28. Md. Akrim Ali, Son of Late Md. Mokarram Ali, Resident of Mohalla - Faizullah Khan, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
29. Md. Mumtaz, Son of Late Md. Majid Hussain and Jaimua Nisha, Resident of Mohalla - Jamalpura Bhigo, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
30. Md. Ful Babu alias Shamim, Son of late Md. Majid Hussain and Jaimua Nisha, Resident of Mohalla - Jamalpura Bhigo, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
31. Nazra Khatoon, Son of Late Md. Majid Hussain and Jaimua Nisha Resident of Mohalla - Jamalpura Bhigo, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
32. Sazda Khatoon, Son of Late Md. Majid Hussain and Jaimua Nisha, Resident of Mohalla - Jamalpura Bhigo, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
33. Kamrun Nisha, Daughter of Late Mazid Husain and Late Jaimua Nisha Resident of Mohalla - Jamalpura Bhigo, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin Code - 846004.
34. Md. Najme Alam alias guddu, Son of Late Gamre Alam Resident of Mohalla - Rahamganj, P.O. - Lalbagh, P.S. - Laheriasarai, District- Darbhanga, Pin code - 846004.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Alok Kumar Sinha, Advocate
For the respondent no. 1	:	Mr. D.K. Sinha, Sr. Advocate
		Mr. Girish Chandra Jha, Advocate
		Mr. Alexander Ashok, Advocate
For respondent nos. 5 to 8, 19 to 22 and 26 to 28	:	Mr. Niraj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

5 30-01-2023 Heard learned counsel appearing on behalf of the parties.

This Civil Miscellaneous Application has been filed against the order dated 06.01.2022 passed by the learned



Additional District Judge-4, Darbhanga in Misc. Appeal No.02 of 2011 arising out of order dated 01.07.2011 passed by learned Sub-Judge-V, Darbhanga in Title Suit No.268 of 2017 whereby Memo of appeal preferred by appellants/ petitioners was rejected.

Learned senior counsel for the respondent no.1 submits that in view of the earlier compromise between the parties, the defendant no.1 has already constructed the Pucca house on the suit land and he is not making any further new construction on the suit property.

Learned counsel for the petitioners submits that in view of the submission of learned senior counsel for Respondent No.1, this case may be disposed of with direction that the defendant No.1 shall not indulge in further new construction on the suit land.

In view of the aforesaid submission of the learned senior counsel for the defendant No.1, and as prayed for by the learned counsel for petitioners, this civil miscellaneous case is disposed of accordingly.

(Sunil Dutta Mishra, J)

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