

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1004 of 2024

In

Civil Writ Jurisdiction Case No.5526 of 2015

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1. Manoj Kumar Son of Late Inderdeo Prasad, Resident of Village Ajnaura, Police Station Noor Sarai, District- Nalanda.
 2. Randhir Kumar, Son of Late Ramji Prasad, Resident of Village Ajnaura, Police Station Noor Sarai, District- Nalanda.
 3. Visun Prasad, Son of Late Ramji Prasad, Resident of Village Ajnaura, Police Station Noor Sarai, District- Nalanda.
 4. Anand Kumar, Son of Late Ramji Prasad, Resident of Village Ajnaura, Police Station Noor Sarai, District- Nalanda.
 5. Awdesb Kumar Son of Arjun Singh and Late Urmila Devi, Resident of Village Ajnaura, Police Station Noor Sarai, District- Nalanda.
 6. Basanti Devi, Daughter of Late Ramji Prasad, Resident of Village Ajnaura, Police Station Noor Sarai, District- Nalanda.
 7. Rekha Sinha daughter of Late Ramji Prasad, Resident of Village Ajnaura, Police Station Noor Sarai, District- Nalanda.

... .. Petitioners

Versus

1. Sajda Khatoon widow of Rayees Ahmad, Resident of Khanquah, Police Station Laheri, Murarpur, Biharsharif, District- Nalanda.
2. Imtiyaz Ahmad, Son of Late Rayees Ahmad, Resident of Khanquah, Police Station Laheri, Murarpur, Biharsharif, District- Nalanda.
3. Mumtaz Ahmad, Son of Late Rayees Ahmad, Resident of Khanquah, Police Station Laheri, Murarpur, Biharsharif, District- Nalanda.
4. Imbisat Ahmad, Son of Late Rayees Ahmad, Resident of Khanquah, Police Station Laheri, Murarpur, Biharsharif, District- Nalanda.
5. Neyaz Ahmad, Son of Late Rayees Ahmad, Resident of Khanquah, Police Station Laheri, Murarpur, Biharsharif, District- Nalanda.
6. Sahjad Ahmad, Son of Late Rayees Ahmad, Resident of Khanquah, Police Station Laheri, Murarpur, Biharsharif, District- Nalanda.
7. Samsiya Khatoon, daughter of Late Rayees Ahmad, Resident of Khanquah, Police Station Laheri, Murarpur, Biharsharif, District- Nalanda.
8. Najmi Khatoon daughter of Late Rayees Ahmad, Resident of Khanquah, Police Station Laheri, Murarpur, Biharsharif, District- Nalanda.
9. Kudusiya Khatoon, Widow of Late Razi Ahmad, Resident of Khanquah, Police Station Laheri, Murarpur, Biharsharif, District- Nalanda.
10. Hayat Ahmad, Son of Late Razi Ahmad, Resident of Khanquah, Police Station Laheri, Murarpur, Biharsharif, District- Nalanda.
11. Faiyaz Ahmad, Son of Late Razi Ahmad, Resident of Khanquah, Police Station Laheri, Murarpur, Biharsharif, District- Nalanda.



- 12. Aftab Ahmad, Son of Late Razi Ahmad, Resident of Khanquah, Police Station Laheri, Murarpur, Biharsharif, District- Nalanda.
- 13. Musharaf Fatima, daughter of Late Razi Ahmad, Resident of Khanquah, Police Station Laheri, Murarpur, Biharsharif, District- Nalanda.
- 14. Pran Prabhakar Son of Sri Chandrika Prasad, resident of Village Ajnowra, Police Station Hoorsarai, District Nalanda.

... .. Respondents

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Appearance :

For the Petitioner/s : Mr. Uttam Kumar Mishra, Advocate
For the Respondent/s : Mr. Anil Chandra, Advocate
Mr. Gajendra Pratap Singh, Advocate
Mr. Rishika Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 19-11-2024 The petitioners are aggrieved by the order dated 11.04.2013 passed by the learned Sub Judge-VII, Biharsharif in Title Suit No. 134 of 2001, whereby and whereunder the learned trial court rejected the recall petition dated 08.05.2012 filed by the plaintiffs/petitioners for recalling the order dated 24.03.2012 whereby the evidence of the plaintiffs was closed by the learned trial court.

02. Learned counsel for the petitioners submits that the petitioners are legal heirs/legal representatives of the original plaintiff, Ramji Prasad, who died on 26.03.2013 and for this reason, no *pairvi* could be made on the date fixed in the case and vide order dated 24.03.2012, the evidence of the plaintiffs/petitioner was closed. The plaintiffs have already examined the 08 witnesses and only the handwriting expert was



to be examined in this case and this fact was brought to the notice of the learned trial court when *Dasti* summon was issued to the handwriting expert for appearing as witness on behalf of the plaintiffs.

03. After some argument, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to move the matter in the learned trial court with regard to bringing the document on record, which is the report of handwriting expert since the author of the document is already dead.

04. Learned counsel for the respondents has got no objection to the prayer for withdrawal of the present petition.

05. Permission is accorded.

06. Accordingly, the present petition stands dismissed as withdrawn with liberty as aforesaid.

(Arun Kumar Jha, J)

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