

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1168 of 2023

Asadul Hamd, Son of Late Abul Hamd, Resident of Mohalla - Pirbahore Lane, Opposite Ayub Urdu Girls High School, P.S. - Pirbahore, P.O. - Mahendru, District - Patna.

... .. Petitioner/s

Versus

1. Najmun Nisa alias Najbun Nisa wife of Late Sirajuddin, Resident in tenanted Room at Mohalla - Pirbahore Lane, Opposite Ayub Urdu Girls High School, P.S. - Pirbahore, P.O. - Mahendru, District - Patna 800006 and Permanent Resident at Banke Bazar, Old P.S. - Sherghati, Now P.S. - Banke Bazar, P.O. - Banke Bazar, District - Gaya Pin Code 824217.
2. Md. Iqbal, Son of Late Sirajuddin, Resident in tenanted Room at Mohalla - Pirbahore Lane, Opposite Ayub Urdu Girls High School, P.S. - Pirbahore, P.O. - Mahendru, District - Patna 800006 and Permanent Resident at Banke Bazar, Old P.S. - Sherghati, Now P.S. - Banke Bazar, P.O. - Banke Bazar, District - Gaya Pin Code 824217.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar, Advocate
For the Respondent/s : Mr.Ajit Kumar Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 30-07-2024

Heard learned counsel for the petitioner and learned counsel for the respondent no.1.

2. The learned counsel for the petitioner submits that since the petitioner is challenging the issuance of power of attorney purported to have been issued by the respondent no.1 in favour of Md. Manzoor Alam and Mahboob Alam, he would be satisfied if the respondent no.1 appears in person before the learned trial court and her statement is recorded about giving the



power of attorney to Md.Manzoor Alam and Mahboob Alam.

3. The learned counsel appearing on behalf of the respondent no.1 though submits that the present petition is not maintainable and he wants to challenge the same on its merit as well, but he has no objection, if the petition is disposed of in terms of prayer of the petitioner about appearance of respondent no.1 before the learned trial court.

4. Since the petitioner limits his prayer to the aforesaid effect only and learned counsel for the respondent no.1 has no objection except submitting that the respondent no.1 is very old lady and she should not be asked to come time and again before the learned trial court, the respondent no.1 is directed to appear in person before the learned trial court, which is enjoined to record its satisfaction about execution of power of attorney by respondent no.1 in favour of Md. Manzoor Alam and Mahboob Alam after ascertaining the identity of respondent no.1 and recording her statement, since the said power of attorney is the subject matter of the instant petition as the order dated 18.09.2023 has been challenged.

5. Further, the learned trial court is directed to ensure that on the date fixed for appearance of the respondent no.1, all due processes are completed on the same day.



6. With the aforesaid observations/directions, the instant petition stands disposed of.

7. Pending application (s), if any, stand (s) disposed of.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	30.07.2024
Transmission Date	NA

