

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W. P. (C) No.5976 of 2014

1. Md. Alimul Hoda @ Md. Ekram

2. Md. Naimul Hoda @ Nayeumul Hoda (Wrongly described as Md. Najmul Hoda in the plaint)

Both sons of Md. Khalil, by faith-Islam, by occupation- business, resident of Hazaribagh Road, Tharpakna, P.O. & P.S. Lalpur, District, Ranchi, Jharkhand

3. Baby Khatoon @ Jafiya Khatoon, wife of Md. Jalaluddin, daughter of late Md. Khalil, resident of Rasulpur Mohalla, P.O. & P.S. Ambikapur, District- Sarguja, State Chhatisgarh

.... **Contesting Defendants-Petitioners**

Versus

1. Md. Mazhar

2. Md. Azhar

3. Md. Akhter

All sons of Late Md. Muslim, by faith Islam, by occupation-Business, resident of Mohalla Maroof Ganj, P.S. Kotwali, District-Gaya

... **Plaintiffs/Respondents**

4. Banny Khatoon Wife of Md. Sultan

5. Baby Khatoon Wife of Md. Meraj

6. Shahina Khatoon Wife of Md. Asim

7. Farhat Sultana Wife of Md. Mustafa

All daughters of late Md. Muslim, by faith-Islam, by occupation-Housewife, resident of Mohalla Maroof Ganj Nala Road, P.S. Kotwali, District Gaya

8. Md. Samad, Son of late Md. Mustakim by faith-Islam, by occupation-Business, Resident of Lake Road, Near Hotel Nigar, Main Road, Ranchi, P.S. Daily Market, District Ranchi

9. Md. Salim, Son of late Md. Mustakim by faith-Islam, by occupation-Business, Resident of Bagru More, Tipusultan Road, P.S. Lohardaga, P.O. Lohardaga, District Lohardaga

10. Mahmooda Khatoon, wife of late Md. Jalil by faith-Islam, by occupation-Housewife, Resident of Near Hotel Nigar, Main Road, Ranchi, P.S. Daily Market, District Ranchi

11. Tahira Khatoon, wife of Taffazul Ahmad Daughter of late Md. Kustakim, by faith-Islam, by occupation-Housewife, Resident of Village Shahi Mohalla, P.O. & P.S. Arwal, District Arwal, Bihar

12. Md. Umar

13. Md. Sajid

14. Md. Sajjad

All sons of late Md. Ghulam by faith-Islam, Resident of Village Karbala Chowk, Maulana Azad Colony, P.O. & P.S. Namkum, District Ranchi

15. Md. Perwez

16. Md. Tunnu

17. Md. Sajid

18. Md. Nanhu

All sons of late Hamida Khatoon, by faith-Islam, Resident of Lohra Kocha, P.O. & P.S. Lalpur, District Ranchi

19. Juhi Parween, not known to the defendant-petitioner

20. Ruhi Parween, not known to the defendant-petitioner

21. Juhie Parween, not known to the defendant-petitioner
 22. Maiya, not known to the defendant-petitioner
 Respondent no.19 to 22 resident of opposite- Hawari Masjid,
 Karbala Chowk, P.O.+P.S.-Lower Bazar, Dist.- Ranchi
 23. Md. Imam Hasan, Son of late Md. Islam, by faith-Islam, resident
 of Lohara Kocha, P.O. & P.S. Lalpur, District Ranchi
 24. Md. Abdul Hasan, son of late Md. Islam, by faith-Islam, resident
 of Bazar Tanr, P.O. & P.S. Khunti, District- Ranchi
 25. Sohra Khatoon, not known to the defendant-petitioner, resident
 of Bazar Tanr, P.O. & P.S. Khunti, District Ranchi
 26. Md. Akhtar
 27. Md. Firoz
 28. Md. Perwez
 29. Reshma Perween
 All of the above persons not known to the defendant-petitioner
 Address of respondent 26-29- R/o Lalpur Chowk, P.O.+P.S.- Lalpur,
 Dist.- Ranchi **Proforma Plaintiffs/Proforma Respondents**

CORAM : HON'BLE MR. JUSTICE SHREE CHANDRASHEKHAR

For the Petitioners : Mr. Vikash Kishore Prasad, Adv.
 Mr. Ashish Verma, Adv.

04/31.10.2017 Partition Suit No.519 of 2012 was instituted by the respondents herein. Previously, Partition Suit No.123 of 2006 was filed with similar facts, however, withdrawn. The petitioners are seeking quashing of the entire proceeding in Partition Suit No.519 of 2012. Code of Civil Procedure provides remedy to the petitioners. Evidently, the writ petition is not maintainable.

2. Faced with the aforesaid situation, Mr. Vikash Kishore Prasad, the learned counsel for the petitioners is seeking permission to withdraw the writ petition with liberty to avail remedy as available in law.

3. The prayer is granted.

4. Without adverting to the merits of the matter, the writ petition stands withdrawn with the liberty as prayed for.

(Shree Chandrashekhar, J.)

Pankaj