

**IN THE COURT OF SUB-JUDGE I, JAGDISHPUR, BHOJPUR AT ARA**

Execution Case No. 02/2016

CIS No. 02/2016

| Date of Order or Proceeding | Order with the Signature of the Court                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Office action taken with |
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| 15.06.2023                  | <p>Both sides as well as applicant filed their hazri. Case called out. On call Ld. Advocate of applicant appeared. Heard Ld. Advocate of applicant on his petition dated 16.05.2018 and 06.04.2023 and rejoinder dated 09.08.2018.</p> <p>Ld. Advocate of applicant submitted that applicant has filed an objection petition on 16.05.2018 under Order 21 Rule 97 and 99 and Section 151 of the Code of Civil Procedure. Ld. Advocate of applicant submitted that applicant is wife of opposite party no. 1 Israil Ansari and disputed house has been transferred by her father in-law namely Abdul Samad during his life time through deed of will dated 25.10.1996 and father in-law of applicant has died on 25.11.1996 thereafter applicant has filed Probate Case No. 70/2012 in respect of above said deed of will in which she has impleaded all parties of this case as a opposite parties and no parties appeared in her probate case. Further Ld. Advocate of applicant submitted that there is no presumption of jointness of property in Muslim law and no family member have any right in the life time of his father and the disputed property of this case belongs to Muslim family for which Malik Abdul Samad has executed deed of will in favour of applicant and after the death of executant of deed of will disputed house came into the right, title and possession of applicant and no parties of this case have a share in disputed property of this case. Further Ld. Advocate of applicant submitted that it has been admitted by the petitioner of this case that disputed property is a residential house of Abdul Samad. Further Ld. Advocate of defendant submitted the fact relating to the original title suit and prayed for accepting the objection petition of applicant. Further Ld. Advocate of defendant submitted that applicant has again filed a petition on dated 06.04.2023 for correction in relief portion of her objection petition.</p> <p>Ld. Advocate of Decree Holder opposed the said petition and submitted that said objection petition is vague, vexatious and malafide and applicant was neither party in the original title suit nor party in execution case and petition of applicant is completely against to the Muslim law and denied the fact of petition.</p> <p>Perused the case record. From the perusal of case record, it transpires that applicant filed a objection petition under order 21 Rule 97 and 99 and Section 151 of the Code of Civil Procedure and Civil Court Rules provided for the registration of such kind of objections under the head of Misc. Cases. Therefore Office is directed to open the Misc. Case in the light of objection petition of applicant and reply given by the decree holder thereafter, produce for hearing and applicant is directed to file necessary requisites for the registration of Misc. Cases.</p> <p>Put up on 17/07/2023 for further proceeding.</p> <p align="center">Dictated</p> <p align="center">Sub Judge-I,<br/>Jagdishpur, Bhojpur.</p> |                          |