

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

Civil Revision No. 12 of 2014

1. Md. Eqbal Hassan
2. Md. Taiyab Hassan
3. Husna Ara

... Petitioner

V E R S U S

1. (a) Md. Surfuddin
- (b) Md. Qumruddin
- (c) Md. Faiyazuddin
- (d) Md. Moizuddin
- (e) Md. Iftekharuddin
- (f) Shabanam Perveen

[All substituted pursuant to order dated 16.05.2019, passed in I.A. No. 6929 of 2015, after death of Zaibun Nisha – original O.P. No. 1]

**... Opposite Parties**

**CORAM: HON'BLE DR. JUSTICE S. N. PATHAK**

|                     |   |                                                                                             |
|---------------------|---|---------------------------------------------------------------------------------------------|
| For the Petitioners | : | Mr. J.P. Jha, Sr. Advocate<br>Mr. Aishwarya Prakash, Advocate<br>Mr. Sambit Nayak, Advocate |
| For the O. Parties  | : | Mr. Amar Kumar Sinha, Advocate                                                              |

**12/11.03.2024**      Heard Mr. J.P. Jha, learned Sr. Counsel appearing on behalf of the petitioners and Mr. Amar Kumar Sinha, learned counsel representing the opposite parties.

2.            Instant application has been filed against the order dated 03.03.2014, passed by Sub Judge-IV, Ranchi in Misc. Case No. 10/07, arising out of Execution Case No. 09/85, whereby and whereunder the objections in shape of Misc. Case No. 10/07 stood rejected.
3.            Mr. J.P. Jha, learned Sr. counsel representing petitioners vociferously argues that the impugned order is antedated. The order was passed on 03.03.2014 and the concerned Presiding Officer was transferred on 28.02.2014 itself and, thereafter, the order has been passed. Learned Sr. counsel argues that the said order is nullity in the eyes of law as the said Presiding Officer was transferred and should not have passed the order when he was not the Presiding Officer of the Court concerned. Learned counsel further argues that it is the best ground to set aside the impugned order.

4. Mr. Amar Kumar Sinha, learned counsel representing the opposite parties submits that presently he is not in a position to reply the arguments advanced by learned Sr. Counsel as the same is a matter of verification. However, on merits, learned counsel argues that petitioners have no case and the impugned order needs no interference.
5. Let the respondents file specific affidavit specifying this Court that on very ground, as has been argued by learned Sr. Counsel, this Civil Revision is maintainable.
6. The learned Registrar General of the High Court is directed to bring on record the following clarifications by way of affidavit:
  - a. As to when the concerned Presiding Officer Mr. Amitesh Kumar Lal, the then Sub Judge-IV, Ranchi was transferred from the Judgeship of Ranchi?
  - b. As to when the said Presiding Officer was relieved from Ranchi Judgeship with specific date of handing over charge to his successor?
  - c. As to whether, on the alleged date of passing of the impugned order, the post in question was vacant or any other Presiding Officer had already assumed the charge?
7. As prayed, put up this case on 03.05.2024.

**(Dr. S.N. Pathak, J.)**