

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. M.P. No. 745 of 2004

M.H. Khuzaima, S/o Late. M.J. Khuzaima High Court Advocate, R/o Behind A.G. Church Idris Colony, Kanta Toli, Police Station Lower Bazar, District- Ranchi. **Petitioner**

Versus

1. The State of Jharkhand
2. Sarwar Mirza, S/o Late Mashiruddin, R/o Behind A.G. Church Idris Colony, Kanta Toli, P.S.- Lower Bazar, District- Ranchi.

... .. **Opp. Parties**

CORAM : HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY

For the Petitioner	: Mr. M.H. Khuzaima, Advocate
For the O.P. No.2.	: Mr. A.K. Sahani, Advocate

12/19.01.2017 The petitioner who is appearing in person has submitted that the dispute is purely civil in nature and in fact the allegation with respect to the complainant having renovated and constructed the first floor and spent a huge amount on such renovation on account of Rs. 2,00,000/- which has given as part consideration amount to the petitioner has been falsified by the judgment passed in Title Suit No. 171 of 2003 in which the prayer of the opposite party no. 2 was for specific performance of the contract and for directing the defendant/petitioner to obtain necessary permission from the authorities after which the transfer of the said property to the opposite party no. 2. The petitioner in course of his argument has produced the judgment in Title Suit No. 171 of 2003 to substantiate the said contention. It has been submitted that the matter is purely civil in nature and an Eviction Suit having also been filed by the petitioner against the opposite party no. 2 who is the tenant in premises of the petitioner, the proceeding as against the petitioner deserves to be quashed and set aside. It has been submitted that the judgment passed in Title Suit No. 171 of 2003 shall be brought by him on record by filing a supplementary affidavit within a couple of days.

Mr. A.K. Sahani, learned counsel appearing for the opposite party no. 2 has relied on paragraph 11 and 12 of the complaint petition to suggest that the petitioner was never the owner of the property as it was a *Khas Mahal* land and without disclosing the said fact that to in the name of different person he has surreptitiously taken into confidence the opposite party no. 2 and had also taken an amount of Rs. 2,00,000/- as purported part consideration amount

towards sale of the said premises. Mr. A.K. Sahani, learned counsel for the opposite party no. 2, further submits that he is not aware of the order passed in Title Suit No. 171 of 2003 and therefore he has to take instruction with respect to the same for which he also prays for a couple of days time.

As prayed for by both the parties, list this case on 25th January, 2017, under the heading “For Hearing” at 2.15 p.m.

(R. Mukhopadhyay, J.)

Alok/-