

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.12997 of 2014

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Md. Khurshid Zaman S/o Late M.A. Zaman Resident of Bari Haveli,
Mohalla Saguna, P.S. Danapur in the District of Patna.

.... Petitioner/s

Versus

Savita Devi w/o Late R.N. Jha in holding No. 41 of Mahal No. 3 and Ward
No. 7 at ground square Danapur Cantonment, P.S. Danapur in the District of
Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 11-08-2015

Heard the learned counsel for the petitioner.

This matter has been placed under the heading to be mentioned at the instance of the learned counsel for the petitioner on the basis of submission that the relief in the writ application is confined to issuing of direction to the learned court below to dispose of the pending T.A. No. 16 of 1984.

The learned counsel for the petitioner has submitted that the petitioner filed an eviction suit against the defendant on the ground of default in payment of rent and the said suit was decreed. It has been further submitted that the defendant has filed T.A. No. 16 of 1984 before the appellate court against the said judgment and decree but the said appeal is still pending since 1984. The learned counsel for the petitioner has placed the petition

dated 12.07.2013 (Annexure-2) whereby the petitioner, after pointing out the delaying tactics adopted by the respondents, has prayed for disposal of the appeal. It has, however, been submitted by the learned counsel for the petitioner that according to his instruction, no order has been passed by the appellate court below on the said petition upto now nor the appeal has been taken up for hearing.

In view of the aforesaid submissions and the facts appearing from the petition dated 12.07.2013 (Annexure-2), it is evident that the title appeal filed by the sole respondent is still pending since 1984. As the matter arises out of the eviction suit, the appellate court below is directed to pass appropriate order on the petition dated 12.07.2013 filed by the petitioner in appeal, if the same is still pending, and to ensure the disposal of the title appeal at the earliest in accordance with law.

In view of the nature of the order which has been passed, this Court is of the opinion that the sole respondent is not required to be heard.

The writ application is, accordingly, disposed of with the aforesaid direction.

Devendra/-

(V. Nath, J)

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