

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9015 of 2015

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Dilip Kumar Sharma S/O Late Bhibhikshan Sharma @ Bhibhikshan Singh, resident of Mokama, Moldiar Tola, Ward No.1, P.S.- Mokama, District- Patna, Presently resident of 105, Silver Springs Drive, Fort McMurray, Alberta, Canada, through Attorney Sri Anjani Kumar S/O Late Chakrabarti Prasad, resident of village- Naya Gaon, P.s.- Parbatta, District- Khagaria

.... Petitioner/s

Versus

1. Shailendra Kumar @ Sahilendra Kumar Singh S/O Late Bibhikshan Sharma @ Bhibhikshan Singh, resident of Mokama, Moldiar Toala, Ward No. 1, P.S.-Mokama, District- Patna
2. Smt. Nand Rani Sharma W/O Sri Devendra Kumar Sharma
3. Sri Devendra Kumar Sharma S/O Late Bhibhikshan Sharma Both residents of Mokama, Moldiar Toal, P.S.- Mokama, District- Patna
4. Most. Vibha Sharma W/o Late Prabhat Kumar Sharma
5. James Prabhakar, Minor son of Late Prabhat Kumar Sharma
6. Ambika minor daughter of Late Prabhat Kumar Sharma All residents of village- Mokama, Moldiar Tola, P.S.- Mokama, District- Patna. Presently residents of 196, Gilla Drive Ballwin, M.D. 63011, U.S.A.
7. Parth Anand S/O Shailendra Kumar Sharma
8. Anand Gopal, S/O Shailendra Kumar Sharma
9. Arti Kumari D/O Shailendra Kumar Sharma
10. Pooja Kumari D/O Shailendra Kumar Sharma
11. Vandana Kumari D/O Shailendra Kumar Sharma
12. Smt. Usha Devi, W/O Shailendra Kumar Sharma All resident of village- Mokama, Moldiar Tola, P.S.- Mokama, District- Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ajay Kumar Singh, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL JUDGMENT

2 03-09-2015

Heard Mr. Ajay Kumar Singh, the learned

counsel appearing on behalf of the petitioner.

This writ application has been filed for a direction to the court below to dispose of the pending T.S.No.04/1999 at the earliest in view of the earlier directions

issued in this regard by this Court.

The learned counsel for the petitioner has submitted that the T.S.No. 04/1999 has been filed by the plaintiff-petitioner for partition of the suit properties. It has been further submitted that the disposal of the suit has been so far delayed in spite of the repeated directions of this Court issued in C.R.No.688/2007 and C.W.J.C.No.1193/2013 directing the court below to start taking evidence and avoid unnecessarily granting time to either party. It is categorical stand on behalf of the petitioner that there is no order staying the further proceeding of the suit.

From the order sheet of the suit which has been brought on record as Annexure-1 to the writ application, it transpires that though the two orders passed by this Court were taken into notice by the learned court below but even thereafter the disposal of the suit has been delayed up-till-now. This Court therefore finds substance in the submission on behalf of the petitioner that the specific direction need to be issued to the court below to dispose of the suit at the earliest in accordance with law.

As no relief has been claimed against the respondents in this writ application, this Court is of the opinion

that no notice is required to be issued to the respondents before disposing of the writ application with direction to the court below as prayed.

The writ application is accordingly disposed of with direction to the court below to dispose of the suit within a period of six months from the date of receipt/production of a copy of this order. The learned court below is also directed to keep in notice the earlier two directions of this Court in this regard and therefore to make all endeavour for disposal of the suit in accordance with law as there are sufficient provisions in the Code of Civil Procedure after amendment to ensure expeditious disposal of a suit or proceeding.

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

(V. Nath, J)

Nitesh/-

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