

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.814 of 2013

IN

Miscellaneous Jurisdiction Case No. 5486 of 2011

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Neena Prasad @ Neena Kumar wife of Sri Arvind Kumar, resident of M.I.G.- 237,
Lohianagar, P.S.- Kankarbagh, District- Patna

.... Opposite party No.2/Appellant

Versus

1. The Bihar State Housing Board through its Managing Director, Anupam Kumar Suman, I.R.S. Having its office at 6 Sardar Patel Road, P.S. Sachiwalaya, District- Patna
2. Shri Dharendra Kumar, Advocate, Patna High Court son of Late Babu Lal Prasad, at present residing at M.I.G. House No. 181, Hanuman Nagar, P.S.- Patrakar Nagar, District- Patna

.... Respondents/Respondents

with

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Miscellaneous Appeal No. 439 of 2014

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The Bihar State Housing Board, Patna through its Managing Director, Anupam Kumar Suman, I.R.S. Having its office at 6 Sardar Patel Road, P.S. Sachiwalaya, District- Patna

.... Opposite party No.1/Appellant

Versus

1. Smt. Neena Prasad wife of Sri Arvind Kumar, Resident of M.I.G, House No.- 237, Lohianagar, P.S.- Kankarbagh, District- Patna
2. Shri Dharendra Kumar, Advocate, Patna High Court son of Late Babu Lal Prasad, at present residing at M.I.G. House No. 181, Hanuman Nagar, P.S.- Patrakar Nagar, District- Patna

.... Petitioners/Respondents

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Appearance :

(In LPA No. 814 of 2013)

For the Appellant/s	:	Mr. Vindhya Keshari Kumar, Senior Advocate Mr. Tuhin Shankar, Advocate
For the Respondent no.2 :		Mr. Rajendra Narain, Senior Advocate
For the Bihar State Housing Board	:	Mr. Lalit Kishore, Senior Advocate Mr. Rabindra Priyadarshi, Advocate

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CORAM: HONOURABLE MR. JUSTICE V.N. SINHA

and

**HONOURABLE MR. JUSTICE AHSANUDDIN
AMANULLAH**

ORAL JUDGMENT

(Per: HONOURABLE MR. JUSTICE V.N. SINHA)

Date: 23-02-2015

With consent of the learned counsel for the appellant,



Neena Prasad @ Neena Kumar and Bihar State Housing Board as also the contesting respondent, Sri Dhirendra Kumar, who is also present in Court, we pass the present order directing the Court below to dispose of Title Suit No. 335 of 2006 pending in the Court of Subordinate Judge-X, Patna at the earliest, in any case within a period of three months from the date of receipt/ production of a copy of this order in the court below bereft of the observations and findings recorded by the learned Single Judge of this Court under order dated 26.06.2013 passed in M.J.C. No. 5486 of 2011. In this connection, we may point out that earlier another learned Single Judge of this Court under order dated 28.02.2012 passed in M.A. No. 907 of 2010 directed the concerned Court to dispose of the said suit in the light of observation contained in paragraphs 15 and 16 of the said order within a period of nine months. Aforesaid order was challenged in the Supreme Court by filing S.L.P. No. 16521 of 2012 which was dismissed under order dated 03.07.2012. In appreciation of the fact that period of nine months has already passed long back, we have already directed that the suit be disposed of within a period of three months from the date of receipt/ production of a copy of this order.

2. It is needless to observe that the observations and direction given in an order disposing of contempt petition has

nothing to do with the merits of the matter and shall not prejudice the case of either of the parties in any proceeding, civil or criminal.

3. Parties are at liberty to lead evidence, if so required, in terms of this order, but the outer time limit fixed for disposal of the suit has to be strictly complied with by the Court below.

4. With consent of the respondent, we set aside the punishment imposed on both the appellants under the impugned order.

5. Both the appeals are, accordingly, disposed of.

6. Let a copy of this order be forwarded to the District Judge, Patna, who shall ensure that the case is transferred to a Court of Subordinate Judge, which is not vacant.

(V.N. Sinha, J.)

(Ahsanuddin Amanullah, J.)

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