

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.20835 of 2014

=====

Surendra Prasad Sah @ Sunil Kumar Gupta Son of Late Ram Chandra Sah
Resident of Mohalla- Salempur, Barh P.S.- Barh, District - Patna.

.... Petitioner/s

Versus

1. Bamkin Chand Son of Surender Prasad.
2. Raja Kumar Son of Surender Prasad
3. Mastu Kumar Son of Birendra Kumar
4. Umesh Prasad Son of Birendra Kumar
5. Neel Kamal Son of Narender Kumar Sah
6. Veveek Kumar Son of Narender Kumar Sah
7. Buddha Kumar Son of Narender Kumar Sah
8. Chhotuy Kumar Son of Narender Kumar Sah
9. Prakash Devi Daughter of Late Sheo Lal Sah All 1 to 9 are Resident of Mohalla - Masood Bigha Kazichak , Barh Ward No. 2, P.S. Barh , Distt - Patna.
10. Smt. Sunita Devi W/o - Prof. Sheo Prasad Daughter of Basudeo Pd. Sah Bibhuti Resident of 24/E Taigore Enclave , Taigore Hill Road, Morabadi, Ranchi (Jharkhand)
11. Smt. Sobha Devi W/o - Dr. Vijoy Pd. , D/o - Basudeo Pd. Sah Bibhuti At- Aliganj , P.O . AND P.S. - Bhagalpur, Distt. – Bhagalpur resident of village at present Salempur, Nilamigali. Barh , P.S. - Brah Distt. - Patna.
12. Urmila Devi W/o - Ramanand Bidhyarthi , D/o - Late Jugeshwar Prasad At- C.P.W.D. Asiana Nagar, 3 Nav Bikash Lane , Patna- 800025
13. Bimal Devi W/o Pramod Kumar Gupta , D/o - Late Jugeshwar Prasad at Ganga Nagar Colony P.O. AND P.S. - Jabalpur, Distt- Jabalpur(M.P.)
14. Gita Devi W/o- Sachidanand Prasad, S/o - Late Jugeshwar Prasad P.O. AND P.S. - Wqarisaliganj , Distt. - Nalanda.
15. Madhuri Devi W/o - Ram Pd. , Daughter of Late Baleshwar Prasad at Sidwar Toli, New Area, Morbadai, New Jogi Pahar, P.O. AND P.S. - Ranchi (Jharkhand)
16. Renuka Devi Wife of Ashok Kumar Sah , Daughter of Late Baleshwar Prasad C/o - Wazir Sah at Loha Patti, P.O. AND P.S. > Jharia, Distt. -

Dhanbad (Jharkhand)

17. Usha Devi, Daughter of Late Rajendra Prasad
18. Raj Kumar Son of Arun Kumar Sah
19. Pawan Kumar S/o Arun Kumar Sah All 17 to 19 are Resident of - Mouza -
Paijawapar Ward No. 10 P.S. Barh Distt- Patna C/o - Jagdamba Industries,
Barh, P.O.- Barh , Distt- Patna
20. Niru Gupta Wife of Hari Nandan Gupta Resident of C/o - G.E.C.Drawing
Officer , P.O.- Naini , Distt- Allahabad.
21. Nirmala Devi W/o Surender Pd Resident of C/o Asha Dip Textile , P.O. -
Raj Dhanbad(Girrdi)
22. Mina Devi W/o - Mahender Pd., Junior Engineer Resident of P.O.-
Harsidhi, Motihari.
23. Nabin Kumar Sah S/o - Late Hari Lal Sah
24. Arun Kumar S/o Late Rameshwar Pd. Sah
25. Mostt. Shanti Devi Wife of Late Surendra Pd. Sah
26. Sangita Kumar W/o - Dr. Ravindra Moha, Daughter of Late Surender Pd.
Sah All 23 to 26 are Resident of - Bikramshila Colony, Near Tilka Manjhi
Girl High School , P.O. AND P.S. - Bhagalpur, Distt.- Bhagalpur.
27. Anju Kumar Wife of Dinesh Nandan Singh , Daughter of Late Surender Pd.
Sah, Resident of Village- Bela Bazar , p.O. AND P.S. - Munger , Distt -
Munger
28. Sunita Kumari Wife of Sri Pradeep Kumar , Daughter of Late Surendra Pd.
Sah Resident of Village - At Parsant Apartment 301 Jagarbar Talla , Babu
bab Distt.- Kolkata.
29. Smt. Vandana Kumar Wife of Sri Satendra Kumar Daughter of Late
Surendra Pd. Sah Resident of Mohalla- Flat No. 1203, Quarter No. 20
B.S.B.I. qaurters N.T.P.C. Campus, Barwai, Bihar.
30. Aruna Devi Wife of Birendra Sah
31. Narender Kumar Sah Son of Late Sheo Lal Sah
32. Mithilesh Kumar Sah @ Tunnu Son of Late Sheo Lal Sah
33. Harshbardhan Sah Son of Late Basudeo Pd. Sah Bibhuti
34. Surajdeo Pd. Sah Son of Late Jugeshwar Sah
35. Pradeep Kumar Sah Son of Late Jugeshwar Sah
36. Mostt. Pushpa Devi , Wife of Late Dayanand Sah
37. Annand Kumar @ Riki Son of Late Dayannand Sah

38. Sanand Kumar @ Vikki Son of Late Dayannand Sah
39. Pinki Kumar Daughter of Late Dayanand Sah
40. Rinki Kumar Daughter of Late Dayanand Sah
41. Priyanka Kumari Daughter of Late Dayanand Sah
42. Puja Kumari Daughter of Late Dayanand Sah
43. Ashok Kumar Sah son o late Baleshwar Prasad all 30 o 43 are resident of
Mohalla-Salempur, Barh P.S.-Barh, District-Patna.
44. Kalawati Devi W/o Late Rameshwar prasad Sah R/o Vill.- Paijwapar Ward
No. 10, P.S. - Barh, Distt- Patna , C/o - Jagdamba Industries , Barh P.O. -
Barh , Distt. - Patna.

.... Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Radha Mohan Pandey

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 02-04-2015

Heard Mr. Radha Mohan Pandey, the learned counsel
for the petitioner.

The learned counsel for the petitioner has submitted
that the prayer of the petitioner by this application under Article
227 of the Constitution of India is only for a direction to the learned
court below for expeditious disposal of T.S. No. 38 of 1981 which
is pending at the stage of final decree. It has been canvassed by the
learned counsel that the suit for partition was filed by the petitioner
in the year 1981 and the said suit was decreed passing a preliminary
decree on 23.12.2009. It has been pointed out that the petitioner
thereafter has applied for preparation of final decree in accordance

with law by filing a petition in that regard on 10.01.2011. The learned counsel then has pointed out that objections were raised by the respondents on the prayer of the petitioner for preparation of final decree and since then the matter has remained pending. In the backdrop of this submission, the aforesaid prayer for a direction has been made.

Without going into the merits of the contentions, this Court is satisfied that a direction be issued to the learned court below to dispose of the prayer of the petitioner as made in the petition dated 10.01.2011 by passing appropriate order in accordance with law. It is well settled that the delay in such cases frustrate the justice.

In this view of the matter, this application is disposed of with a direction to the learned court below to pass appropriate order either for preparation of final decree or disposing of the petition dated 10.01.2011 filed by the petitioner for preparation of final decree in accordance with law expeditiously preferably within a period of three months from the date of receipt/production of this order.

In view of the nature of the order which has been passed, this Court is satisfied that there was no need to hear the respondents.

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

(V. Nath, J)

Devendra/-

U			
---	--	--	--

