

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.19312 of 2013

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Bishwanath Singh Son of Late Suresh Prasad Singh Resident of Village-
Barahiya, Taraf Ramsen, Police Station- Barahya, District- Lakhisarai.

.... Petitioner/s

Versus

1. Ashok Singh Son of Late Bino Singh.
2. Ajit Singh Son of Late Bino Singh.
3. Lalit Singh Son of Late Bino Singh.
4. Sanjeet Singh Alias Pal Son of Late Bino Singh all Resident of Village-
Barahiya, Taraf Ramsen, Police Station- Barahiya, District- Lakhisarai.
5. Sheo Kumari Devi D/O Late Suresh Prasad Singh, Wife Of Late Nand
Kishore Singh Resident Of Village And P.O.- Jairampur, Police Station-
Bihpur, District- Bhagalpur.
6. Bimla Devi Daughter of Suresh Prasad Singh, Wife of Yogendra Singh
Resident of Village And P.O. Tarhari, Police Station- Halsi, District-
Lakhisarai.
7. Dr. Ganesh Singh Son of Panchoo Singh.
8. Braj Mohan Singh Son of Ganesh Singh.
9. Gaurav Alias Chandan Son of Ganesh Singh.
10. Saroj Devi Wife of Late Gopal Singh.
11. Shambhu Singh Son of Late Gopal Singh all Resident of Village-
Barahiya, Taraf Ramsen, Police Station- Barahiya, District- Lakhisarai.
12. Hari Kant Singh Son of Lakhan Singh.
13. Shashi Kant Singh Son of Hari Kant Singh.
14. Ranjan Alias Babloo Son of Hari Kant Singh.
15. Rishi Kant Singh Son of Lakhan Singh.
16. Shivji Singh Son of Rishi Kant Singh.
17. Bijay Singh Son of Rishi Kant Singh.
18. Manorama Devi Wife of Srikant Singh.
19. Shailendra Singh Son of Late Srikant Singh.
20. Birendra Singh Son of Late Srikant Singh all Resident of Village-
Barahiya, Taraf Ramsen, Police Station- Barahiya, District- Lakhisarai.
21. Kamla Devi Wife of Late Mithilesh Sharma Resident of Village-
Bidhipur, Via- Bakhtiyarpur, District- Patna.

22. Most. Shakuntala Devi Wife of Late Bhagwan Singh Resident of Village- Nawadih, Police Station- Vajirganj, District- Gaya.

23. Chand Mian Son of Suleman Mian.

24. Mukesh Halwai Son of Binod Sao.

25. Vinay Ram Son of Sitaram Ram.

26. Uma Halwai Son of Jagdish Sao all Resident of Village- Barahiya, Lohia Chowk, Police Station- Barahiya, District- Lakhisarai.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manish Kumar No-2

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL ORDER

2 24-08-2015 Heard Mr. Manish Kumar No. 2, the learned counsel appearing on behalf of the petitioner.

This matter has been placed under the heading 'To Be Mentioned' at the instance of the petitioner. The learned counsel for the petitioner has submitted that the relief of the petitioner in this application is confined for a direction to the learned court below to dispose of the pending appeal expeditiously at an early date. It has been pointed out by the learned counsel on the basis of the order sheet of S.T.A. No. 18 of 2011 of the court of District Judge, Munger that the said appeal has become mature for argument in the year 2012 itself but thereafter the matter has been consistently adjourned at the instance of the appellant in the said appeal. It has also been highlighted by the learned counsel that the

plaintiff (the petitioner here) has succeeded in the suit and therefore the defendant-appellant in the court below is interested in prolonging the disposal of the appeal.

After considering the submissions and perusal of the order sheet of S.T.A. No. 18 of 2011 (Annexure-1), it becomes manifest that the appeal was posted for argument and which fact is appearing from the petition. It further appears that from the last several order upto 02.05.2013 that the appellate court below has directed the parties to come prepared for argument. In view of the submissions on behalf of the petitioner that since even thereafter the appeal has not been taken up for argument upto now, this Court finds substance in the prayer made on behalf of the petitioner for directing the learned court below for early disposal of the appeal as it is well settled that the delay, some times, frustrate the justice.

Accordingly, the appellate court below is directed to make all endeavor to take up the hearing of the appeal in accordance with law and dispose it of as early as possible without granting unnecessary adjournment to the parties, if there is no legal impediment in the disposal of the appeal.

In view of the nature of the order/direction which has been passed, this court finds that there is no necessity to hear the

respondents.

Accordingly, this application is disposed of at this stage with the aforesaid directions to the appellate court below.

(V. Nath, J)

Devendra/-

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