

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.857 of 2015

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1. Shiv Kumar Verma, son of late Anirudh Ram.
 2. Amod Kumar Verma.
 3. Pramod Kumar Verma, both are sons of Shiv Kumar Verma, all are resident of village-Agwanpur, P.S. Barh, District-Patna at present residing at Triveni Bhawan, Mohallah-Shivpur Mahendru, P.S. Sultan Gang, District-Patna.

.... Petitioner/s

Versus

1. Smt. Shakuntala Verma, wife of late Dr. Bhola Nath Verma.
2. Sri Kristofer Verma @ Kripashanker Verma, son of late Dr. Bhola Nath Verma, resident of 32, Brook filed Drive, Boothe Town Worsely, Manchester-M-284 Jx, United Kingdom, both are being represented in the suit by Mr. Kedar Nath Verma, Advocate the defendant no. 4 appellant no. 3.
3. Sri Kedar Nath Verma, Advocate, son of late T.N. Das resident of Triveni Bhawan, Shivpur, Mahendru, P.S. Sultangang, District-Patna as self and as Pairvikar of Appellant No. 1 and 2.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Bankey Bihari Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 30-01-2015

Heard Mr. Bankey Bihari Singh, the learned counsel for the petitioners.

The learned counsel for the petitioners, at the out set, has submitted that the prayer of the petitioners in this application under Article 227 of the Constitution of India is confined for direction to the learned court below for disposal of the suit which is pending since

1978. It has also been pointed out by the learned counsel that earlier this Court had issued specific direction to the learned court below for disposal of the suit but in spite of that the suit has remained pending upto now. The learned counsel has placed the order dated 12.01.1987 by this Court in M.A. No. 169 of 1981 wherein this Court has directed as follows:-

“.....The impugned order, therefore, is set aside. The court is directed to take up the hearing of the suit with the greatest of expedition refusing the adjournments to parties on silly grounds and conclude it within six months possibly.....”

Again the matter traveled to this Court in C.W. J.C. No. 12835 of 2012 wherein also by order dated 07.09.2012 (Annexure-8), this Court has issued specific direction for disposal of the suit even after taking into notice the contingencies which might have arisen. The learned counsel for the petitioners has further submitted that the argument on behalf of the plaintiffs is now over but the defendant has been lingering the matter by not making his arguments before the learned court below.

The aforesaid facts and the submissions depict a disturbing feature where a suit has remained pending since 1978 in spite of the repeated directions of this Court for its disposal and the plaintiffs of that suit has to approach this Court for a direction for the disposal of

the suit at the earliest. This Court refrains from making any further comment in this matter and issues direction to the learned court below to dispose of the suit in accordance with law as early as possible preferably within a period of three months from the date of receipt/production of this order. If the learned court below feels difficulty in complying this direction it must seek appropriate extension of the time fixed by this Court.

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

(V. Nath, J)

Devendra/-

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