

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.195 of 2010

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Mosmt. Nanhki @ Nanki W/O Late Usman, R/O Mohalla, P.O & P.S
- Phulwarisharif, District- Patna.

.... Appellant

Versus

1. Uttam Kumar @ Uttam Kumar Singh, S/O Late Ishwari Singh,
R/O Mohalla, P.O & P.S - Phulwarisharif, District- Patna.

2. Sultan Ahmad Rusti, S/O Late Bibi Salimunissa

3. Syed Hasan Ahmad S/O Late Bibi Salimunissa

4. Syed Noman Rusti S/O Late Bibi Salimunissa

5. Ishteyaque Ahmad S/O Sultan Ahmad Rusti

6. Ashfaq Ahmad S/O Sultan Ahmad Rusti

7. Shaista Nahid, D/O Sultan Ahmad Rusti

All are R/O Mohalla - Saidana, P.O & P.S - Phulwarisharif, District-
Patna.

.... Respondents

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Appearance :

For the Appellant/s : Mr. Manoj Kumar Sinha, Advocate

For the Respondent No.1: Mr. Abinash Kumar, Advocate

For the Respondent Nos. 2 to 7: Mr. S.A. Nasar Warsi, Advocate

Mr. Brij Nandan Prasad, Advocate

Mr. Janki Nandan Prasad, Advocate

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CORAM: HONOURABLE MR. JUSTICE AKHILESH CHANDRA
ORAL JUDGMENT

Date: 12-02-2015

Heard learned counsel for the parties.

2. This is an appeal preferred against order
dated 01.08.2009 passed by Sri C.S. Sharma, learned
Additional District & Sessions Judge – II, Patna, in Title
Appeal No. 67/2005 remitting Title Suit No. 50/98
arising out of judgment and decree passed by 6th

Subordinate Judge, Patna.

3. The relevant fact is that plaintiff appellant had preferred the suit against defendant respondent no. 1 which was decided in his favour, but, pending appeal preferred by respondent no. 1 here, respondent no. 2 to 7 intervened after hearing the parties. Their prayer was allowed, giving rise to Civil Revision No. 1123/2008, but ultimately the order, permitting them to intervene as respondents, was affirmed vide order dated 05.08.2008.

4. At this stage, Lower Appellate Court found it necessary to remand the matter so that a fresh decision in the suit may be taken by the original court, taking into consideration the triangular fight between three sets of the parties having independent interest as claimed by them.

5. After some arguments, there appears agreement between the members of bar that the controversy be decided and set at rest at the earliest.

6. In view of the above, this appeal stands disposed of with a direction to the court below (original court) to expedite the hearing and conclude the trial within six months from the date of communication of order and receipt of relevant records.

7. The parties concerned are directed to



appear before the original court on 9th March, 2015 and do all the needful expeditiously in accordance with law. In the event, either of the side for no reason avoids early hearing shall bear dire consequences and invite any decision against them on this ground alone.

8. Registry of this Court is directed to ensure transmission of records to the courts concerned along with copy of this order.

Rajeev/-

(Akhilesh Chandra, J.)

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