

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Revision No.859 of 2006

Smt. Priya Devi @ Rekha Devi, wife of Sri Sanjay Kumar Sonawala, resident of Mohalla- Nurullahpur, Club Road, P.S. Mithanpura, Town and District- Muzaffarpur.

.... Plaintiff/Petitioner

Versus

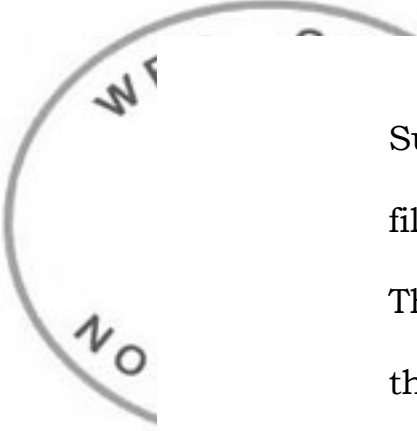
1. (a) Chandra Rekha Devi, wife of late Bharat Prasad Sonawala alias Arun Kumar Sonawala
(b) Sanjeev Sonawala, son of late Bharat Prasad Sonawala alias Arun Kumar Sonawala.
Both resident of Mohalla- Nurullahpur, Club Road, P.S. Mithanpura, P.O. Ramna, Town and District- Muzaffarpur.
(c) Ranjeet Sonawala, son of late Bharat Prasad Sonawala alias Arun Kumar Sonawala, resident of 'Kanak Mandir' Bakerganj Laheria Sarai, P.S.+P.O. Leharisara, District- Darbhanga.
(d) Soni, daughter of late Bharat Prasad Sonawala alias Arun Kumar Sonawala and wife of Ankur, resident of Appurva Palace, 1/70, Bishwas Khend Gomati Nagar, P.O. Gomati Nagar, Town and District Lucknow, Uttar Pradesh.
2. Sri. Bijay Kumar Sonawala @ Bijoy Narain Sonawala, son of Ram Lakhan Prasad, resident of Mohalla—Nurullahpur, Club Road, P.S. Mithanpura, P.O. Ramna, Town and District- Muzaffarpur.
..... Defendants 1st Party/Opp. Parties.
3. (a) Sanjoy Kumar Sonawala, son of late Ram Lakhan Prasad, resident of Mohalla—Nurullahpur, Club Road, P.S. Mithanpura, P.O. Ramna, Town and District- Muzaffarpur.
(b) Shila Sahu, daughter of late Ram Lakhan Prasad, wife of Surendra Prasad Sahu, resident of Village- Sabha pur, P.O. Raghunathpur, District- Muzaffarpur.
(c) Meera Saraf, daughter of late Ram Lakhan Prasad, wife of Vijoy Kumar Saraf, near old cinema, Main road, Raxaul P.O. Raxaul, P.S. Town, District East Champaran.
(d) Deepa Devi, daughter of Kanti Devi, wife of Ajoy Kumar Gupta, resident of Chinktola, P.O. Bettiah, P.S. Town, District East Champaran.
(e) Manish Kumar, son of late Kanti Devi, resident of Kamla lane, Deewan Road, P.S. Town, P.O. Muzaffarpur, Town and District Muzaffarpur.

..... Defendants 1st Party/Opp. Parties.

Appearance :

For the Petitioner : Mr. Laxmi Narayan Das, Adv.
Mr. Subrateswar, Adv.
For the Respondents : Mr. Shailendra Kumar, Adv.
Mr. Bhupendra Narain, Adv.

CORAM: HONOURABLE THE CHIEF JUSTICE
ORAL JUDGMENT
Date: 20-02-2015



The plaintiff in T.S. No.350/99 on the file of the Sub-Judge-2nd, Muzaffarpur, is the petitioner. That suit was filed for declaration of title in respect of certain gift deeds. The defendant No.2 therein pressed for stay of the suit on the ground that another suit, being T.S. No.144/70, filed for the partition of various items, including the subject-matter of T.S. No.350/99, is pending before the court of Sub-Judge-7, Muzaffarpur. It was stated that the gifts which constituted the basis for T.S. No.350/99 were executed in respect of some of the items of the properties in T.S. No.144/70 despite the order of *status quo* passed therein. The request made by the 2nd defendant for stay of the suit was opposed by the petitioner. The trial court passed an order dated 17.4.2006 staying the suit. Hence, this revision under Section-115 of C.P.C.

Heard, learned counsel for the petitioner and learned counsel for the respondents.

It is rather unfortunate that the suits, that were filed several decades ago are still pending, hardly with any progress. The suit filed by the petitioner is the one for declaration of title, whereas T.S. No.144/70, pending in the

court of Sub-Judge-7, Muzaffarpur, is one for partition. Even if there is any overlapping of the properties, the concerned courts, the parties could have taken steps to get both the suits clubbed, particularly when they are pending before different sub-courts.

Hence, Revision Petition is allowed. The order under revision is set aside. The Principal, Sub Court of the Muzaffarpur shall take steps to ensure that T.S. No.350/99 and T.S. No.144/70 are heard by the same court by clubbing them. Since one of the suits pending for the past forty five years, immediate steps shall be taken to commence common trial in both the suits and they shall be disposed of as early as possible and not later than six months, from the date of receipt of this order.

Interlocutory application, if any, stands disposed of.

There shall be no order as to costs.

(L. Narasimha Reddy,CJ)

K.C.jha/-
N.A.F.R.

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