

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.1096 of 2014

IN

T.S. 69 of 1983

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1. Smt. Usha Sinha W/O Late Birendra Kumar Singh
2. Sri Anunay @ Anunay Sinha
3. Sri Anunnet @ Anunnet Sinha, Both Sons Of Late Birendra Kumar Singh All are Resident Of Village Rampur alias Repura, Police Station Saraiya, District Muzaffarpur at Present Residing at Jaintpur House, Mohalla Maripur, Police Station and Town and District Muzaffarpur

.... Petitioner/s

Versus

1. Muzaffarpur Club through its Honorary Secretary, Mauza Sarai Sayed Ali, Muzaffarpur near General Post Office, Muzaffarpur
2. Mr. Kumud Sahay, son of late Gopal Jee, Resident Of Mohalla Motijheel, Muzaffarpur Town Muzaffarpur Secretary Muzaffarpur Club, Police Station Town, District Muzaffarpur
3. Mr. R.K. Shahu alias Lalan Babu, son of Krishan Nandan Prasad Sahu, Sahu Pokhar, Town Muzaffarpur, Police Station Town, P.O. and District Muzaffarpur
4. Shri Pradeep Malhotra, son of late Radhey Shaym Malhotra, Juran Chapra, Road No. 1, Muzaffarpur Town, Police Station Barahmpura, P.O. and District Muzaffarpur
5. Mr. Krishna Mohan Tiwari, son of late Babu Lakshami Narayan Tiwari, Resident Of Mohalla Bela, P.O. R.K. Ashram, Police Station Town, District Muzaffarpur
6. Dr. C.P.N. Thakur, son of Sri Rashuraj Thakur, Thakur Nursing Home, Mohalla Pankha Toli Town, Muzaffarpur, District Muzaffarpur

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Madhukar Pandey,
Mr. Ratan Kumar Sinha, Advocates.
For RespondentNos.2,3 & 6 : Mr. Rajendra Narain, Sr. Advocate.
Mr. Makardhwaj Upadhya, Advocates.
For Respondent No.5 : Mr. Umesh Raj,
Mr. Kunj Bihari Sharan, Advocates.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 29-06-2015

Heard the parties.

2. In the present case a petition has been filed for transfer
of Title Suit No. 69 of 1983.



3. Submission has been made that it is one of the oldest cases in the Sherista of District Court, Muzaffarpur and the opposite parties are making all efforts for non-disposal of this case, as they are taking unnecessary time and filed unnecessary application with the sole motive that the case should continue in eternity whereas the plaintiff has eagerly intending to finish the case at the earliest. He has further submitted that the defendants are club and its members. They are sailing on the same boat having a common defence but unnecessarily for the purposes of continuation of the case has applied all sorts of scheme to drag the title suit.

4. Learned counsel for opposite party has vehemently opposed the submission of learned counsel for the petitioner and submits that the delay is caused on account of petitioners, as argument of the suit could not proceed further on account of application filed by him for transfer the case which altogether took one and half years. Had not been any such application and prayer, the suit has proceeded further, probably, up-to this time, the Court could have finished the case. The prayer for transfer will not serve any purpose. Purpose is early disposal of the case as there is no allegation of any mala fide, any due influence upon the court or any sorts of allegation of misconduct has been



made in the transfer petition. Thrust of argument is unnecessary adjournments and Court is not providing sufficient time for hearing of the case. It will be in the ends of justice whatever application is filed by any of the parties that will be decided in one go, and issues will be discussed at the time of final judgment. Both the parties are agreeable for early disposal of case and they agree that they will not insist for hearing of interlocutory application rather all arguments would be advanced at main argument of case including all incidental matters raised in interlocutory application.

5. Learned counsel for the petitioner submits that petitioners would finish the argument within 10-15 hours and the Court should at least grant two hours per day.

6. Learned counsel for the opposite party equally submits that they are ready to co-operate for early disposal of the case and they will not made any prayer for adjournments. He further submits that they would take 15-20 hours to finish the argument and Court should grant two hours per day.

7. In view of the submissions of the parties this Court directs the court below to provide two hours per day in the first half, keep adherence to promise given by them hour so that the

case should be disposed of within six weeks from the date of receipt/production of a copy of this order and the court below will deliver the judgment within six weeks after completion of argument by the parties. If the case is not completed within the aforesaid period the parties will be at liberty to file simple application for revival of the case.

8. With the aforesaid observations and directions this application is disposed of.

(Shivaji Pandey, J)

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