

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.18673 of 2013

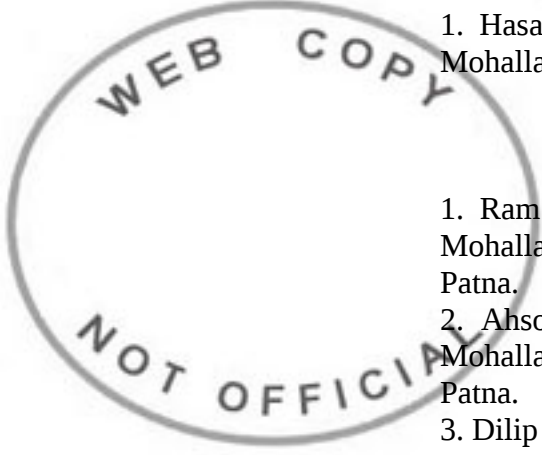
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1. Hasan Majeed Son Of S.M.Majed, Resident Of Majeed Compound,
Mohalla- Bagh Kalu Khan, P.S.- Khajekalan, Patna City, District- Patna

.... Petitioner/s

Versus

1. Ram Bhajan Lal Sonar Son Of Late Munni Lal Sonar, Resident Of
Mohalla- Bagh Kalu Khan, P.S.- Khajekalan, Patna City, In The District Of
Patna.
2. Ahsok Kumar Khatri Son Of Ram Bhajan Lal Sonar Resident Of
Mohalla- Bagh Kalu Khan, P.S.- Khajekalan, Patna City, In The District Of
Patna.
3. Dilip Kumar Khatri Son Of Ram Bhajan Lal Sonar Resident Of Mohalla-
Bagh Kalu Khan, P.S.- Khajekalan, Patna City, In The District Of Patna.
4. Pradip Kumar Khatri Son Of Ram Bhajan Lal Sonar Resident Of
Mohalla- Bagh Kalu Khan, P.S.- Khajekalan, Patna City, In The District Of
Patna.
5. Bhola Prasad Khatri Son Of Ram Bhajan Lal Sonar Resident Of
Mohalla- Bagh Kalu Khan, P.S.- Khajekalan, Patna City, In The District Of
Patna.
6. Ghanshyam Prasad Khatri Son Of Ram Bhajan Lal Sonar Resident Of
Mohalla- Bagh Kalu Khan, P.S.- Khajekalan, Patna City, In The District Of
Patna.
7. Durga @ Bablu Khatri Son Of Ram Bhajan Lal Sonar Resident Of
Mohalla- Bagh Kalu Khan, P.S.- Khajekalan, Patna City, In The District Of
Patna.
8. Devi Lal Khatri @ Pappu Son Of Ram Bhajan Lal Sonar Resident Of
Mohalla- Bagh Kalu Khan, P.S.- Khajekalan, Patna City, In The District Of
Patna.
9. Smt. Kamla Devi Daughter Of Ram Bhajan Lal Sonar Resident Of
Mohalla- Bagh Kalu Khan, P.S.- Khajekalan, Patna City, In The District Of
Patna.
10. Smt. Renu Devi Daughter Of Ram Bhajan Lal Sonar Resident Of
Mohalla- Bagh Kalu Khan, P.S.- Khajekalan, Patna City, In The District Of
Patna.
11. Smt. Anita Devi Daughter Of Ram Bhajan Lal Sonar Resident Of
Mohalla- Bagh Kalu Khan, P.S.- Khajekalan, Patna City, In The District Of
Patna.
12. Smt. Bimla Devi Daughter Of Ram Bhajan Lal Sonar Resident Of
Mohalla- Bagh Kalu Khan, P.S.- Khajekalan, Patna City, In The District Of
Patna.
13. Ahsan Majeed Son Of S.M. Majeed Resident Of Majeed Compound,
Mohalla- Bagh Kalu Khan, Patna City, Patna.
14. Azharul Hoda Son Of Late Bibi Allay Fatima Resident Of Majeed
Compound, Mohalla- Bagh Kalu Khan, Patna City, Patna.
15. Akbarul Hoda Son Of Late Bibi Allay Fatima Resident Of Majeed
Compound, Mohalla- Bagh Kalu Khan, Patna City, Patna.
16. Mozaffarul Hoda Son Of Late Bibi Allay Fatima Resident Of Majeed
Compound, Mohalla- Bagh Kalu Khan, Patna City, Patna.
17. Reyaz Fatima Son Of Late Bibi Allay Fatima Resident Of Majeed



Compound, Mohalla- Bagh Kalu Khan, Patna City, Patna.
18. Jamal Fatima Daughter Of Late Bibi Allay Fatima Resident Of Majeed Compound, Mohalla- Bagh Kalu Khan, Patna City, Patna.
19. S. Abbas Mustafa Son Of Late Bibi Moina Khatoon Resident Of Majeed Compound, Mohalla- Bagh Kalu Khan, Patna City, Patna.
20. S. Khalid Mustafa Son Of Late Bibi Moina Khatoon Resident Of Majeed Compound, Mohalla- Bagh Kalu Khan, Patna City, Patna.
21. S. Tariq Mustafa Son Of Late Bibi Moina Khatoon Resident Of Majeed Compound, Mohalla- Bagh Kalu Khan, Patna City, Patna.
22. Mr. Tahseen Rana Daughter Of Late Bibi Moina Khatoon Resident Of Majeed Compound, Mohalla- Bagh Kalu Khan, Patna City, Patna.
23. Bibi Mahfooza Khatoon Daughter Of Late Bibi Masooda Majeed Resident Of Majeed Compound, Mohalla- Bagh Kalu Khan, Patna City, Patna.
24. Nazish Bin Zain Son Of Late Bibi Masooda Majeed Resident Of Majeed Compound, Mohalla- Bagh Kalu Khan, Patna City, Patna.
25. Samrin Zain Son Of Late Bibi Masooda Majeed Resident Of Majeed Compound, Mohalla- Bagh Kalu Khan, Patna City, Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

5 22-05-2015 Heard learned counsel for the petitioner and learned counsel appearing for respondent no.2.

Learned counsel for petitioner as well as respondent no.2 has submitted that they have no objection if the writ application is disposed of at this stage.

The relief which has been sought in this application is limited to the direction to the court below for disposal of the title suit no. 143 of 1970 which is still pending.

Earlier this matter was heard and by order dated 29.01.2015 this court after having noticed the order passed in this regard in C.W.J.C. No. 4398 of 2013 and C.W.J.C. No. 11373 of 2013 issued notice to respondent nos. 2 to 12. The service peon has reported that the notice of

respondent no . 2 to 12 has been received by respondent no.4. In this background the direction was given to the petitioner to file affidavit stating jointness of respondent no.4 with respondent nos. 2, 3, 5, 6, 7, 8, 9, 10, 11 and 12. The petitioner has filed the said affidavit. No counter affidavit has been filed on behalf of respondent no.2 denying the statement regarding the jointness.

Learned counsels for the parties have taken their respective stand in support of the statement made in their affidavit and counter affidavit.

However, learned counsel for both the parties have agreed that this writ application be disposed of with a direction to the court below to expeditiously dispose of the suit within a time frame fixed.

At this juncture it would be pertinent to mention that a report was also called for from the court below regarding the present status of Title Suit no. 143 of 1970 and the reasons for its pendency in spite of the specific earlier direction of this court. The report has been submitted by the learned court below from which it transpires that the final argument on behalf of the defendant is going on and the learned court below has also expressed the view that the suit can be disposed of without any further delay. It has also been stated in the report that the suit is pending for argument since more than three decades.

In view of the aforesaid facts and circumstances and the stand taken by the parties, this court is satisfied that the present writ application can be disposed of with a direction to the court below for expeditious disposal of title suit, even without waiting for the service/appearance of the remaining respondents. The court also does not

propose to go in to the rival stand of the parties regarding jointness between respondent nos. 2 to 12.

In the result the present writ application is disposed of with a direction to the learned court below to dispose of the suit expeditiously and preferably within a period of three months from the date of receipt/production of a copy of this order. Learned counsel for the parties are directed to advice their client not to take unnecessary adjournment and cooperate in the disposal of the suit. The learned court below is also directed to make all effort for disposal of the suit in the aforesaid time frame and avoid granting adjournment which may not be essential.

The writ application is accordingly disposed of with aforesaid direction.

(V. Nath, J)

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