

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Appeal No.164 of 2006

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Nawal Kishore Singh S/o Sita Ram Singh, R/o Vill. Asha Chapra, Tola-Ekauna, P.S. Pakridayal, P.S.-Choram, District- East Champaran.

(Plaintiff).... Appellant/s

Versus

Smt. Renu Devi & Ors

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. KUNDAN BAHADUR SINGH
 Mr. Arjun Pd. Singh
 Mr. Prabhat Kumar (Roy)

For the Respondent/s : Mr. D.K.TANDON
 Mr. Madhusudan Kumar

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI

ORAL JUDGMENT

Date: 29-06-2016

Heard learned counsel for the appellant as well as learned counsel for the respondents.

2. Both the respective counsels are unaware regarding stage of the trial of T.Suit No.229 of 2005 which was pending at the time of filing of the instant appeal before Subordinate Judge-8th Motihari. Because of the fact that no stay had been granted, therefore, it is expected that after lapse of 11 years conscious could not permit pendency of the aforesaid Title Suit before the learned lower court.

3. This matter is pending since 2006 on refusal of acceding prayer of the plaintiff apart from the others, for injuncting the respondents/defendants.

4. On such trivial issue, the matter would not be allowed to survive further more as well as allowing the suit but linger for infinite period.

5. That being so, the learned lower court, in case the suit had already been disposed of, will not do any effort, but in case finds that the suit is

still pending then in that event should not allow to either of the respective party any kind of adjournment and further will proceed to decide the same within three months from the date of receipt/production of order positively. Till then, the order dated 29.8.2006 passed by this Court will remain in force.

With the aforesaid observation, instant petition is disposed of.

(Aditya Kumar Trivedi, J)

AnilKrSinha/-

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