

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.8470 of 2015

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Shri Krishna Prasad Singh

.... Petitioner/s

Versus

Renu Devi & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 28-01-2016

At the time of hearing of Interlocutory Application

No. 9390 of 2015, both learned counsels submitted that writ application itself may be heard on merit. Accordingly, I heard them on merit in admission matter.

Learned counsel, Mr. Binod Kumar Singh, appearing on behalf of the petitioner submitted that the petitioner has challenged the order dated 01.04.2015, whereby the Additional District Judge-XI, Patna in Title Appeal No. 156 of 2006 allowed the respondent Nos. 10 to 14 herein to sell 68 decimals of plot no. 2226 of Khata No. 161, although, an application was filed on 28.01.2015 by the respondent Nos. 10 to 14 that now they are not desiring to sell this plot No. 2226.

The learned counsel, Mr. Navin Kumar, appearing on behalf of the respondent Nos. 10 to 14 did not dispute this fact that application was filed by them on 28th January, 2015 but he

submitted that by this impugned order dated 01.04.2015, allowing the respondent Nos. 10 to 14 i.e. defendant Nos. 5 to 9 to sell 68 decimals of land of plot No. 2226, disposed of the application filed by the petitioner.

In view of the above submissions of the learned counsels, it appears that although earlier application was filed seeking permission to sell land of plot No. 2226 but subsequently another application was filed by the defendant Nos. 5 to 9 that they may be permitted to sell another property instead of plot No. 2226. The Court below disposed of the application of the defendant Nos. 5 to 9 and allowed them to sell lands of plot No. 2226 which is vehemently opposed by the other side on the ground that in fact 20 decimals land is in possession of the petitioner. Now it becomes clear that the defendant Nos. 5 to 9 are not desirous of selling the property of plot No. 2226. The learned counsel for the defendant-respondent Nos. 10 to 14 submitted that he had already filed an application on 02.05.2015 which has been annexed as Annexure-A to the Interlocutory Application.

In view of the above facts and circumstances of the case that the defendant Nos. 5 to 9 are not desirous of selling of plot No. 2226 and application has been filed on 02.05.2015 for selling of other property, this writ application has become now

infructuous. The subsequent application filed by the defendant nos. 5 to 9 i.e. respondent Nos. 10 to 14 is still pending which is to be disposed by the Court below. Now therefore, this writ application is dismissed as infructuous.

The learned counsel Mr. Binod Kumar Singh submitted that he is the appellant in the title appeal and the learned counsel for the other side also submitted that the title appeal itself may be heard and disposed of within a reasonable period as the appeal itself is ready for hearing. In view of the submission of both the learned counsels, the parties are directed to assist the Court below so that the Court below will dispose of the same within a short period.

(Mungeshwar Sahoo, J)

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