

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Appeal No.387 of 2009

Binod Kumar

.... Appellant/s

Versus

Lal Babu Rai & Ors

.... Respondent/s

Appearance :

For the Appellant/s : Mr. Nagendra Kumar-Advocate
Mr. Binod Kumar-Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

07 28-04-2016

Seen the record.

After going through the same, it gives a piquant picturization how the litigation is being contested. The suit is of the Year 2002. In the Year 2009, a petition was filed for granting injunction at the end of the defendant no.7 against which instant appeal has been filed in the Year 2009. The other peculiar circumstance happens to be that respondent no.4 had died in the Year 2007 that means to say, before filing of petition and for that, substitution petition has been filed in the Year 2012. It is not known whether respondent no.4 got substituted before lower Court during midst thereof. In such a situation, if the prayer is allowed, will give an anarchy situation allowing the litigation and further, allowing proceeding before the learned lower court to halt without any rhyme and reason.

Consequent thereupon, instant petition is disposed of

with a direction to the learned lower court to proceed with the trial expeditiously and in likewise manner, directing the parties to be vigilant in getting the trial dispose of at an earliest.

Office is directed to communicate the order upon the learned lower court.

(Aditya Kumar Trivedi, J)

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