

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.1586 of 2015

In
MA 647 of 2012

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1. Rajiv Kumar Agrwal, son of Late Arbind Kumar Agrawal, resident of
Mouza Makimpur, (Mungerianganj) Begusarai, P.S. and District- Begusarai
..... Petitioner/s

Versus

1. Ravindra Narain Agrwal, Son of Bishundeo Narayan
2. Jitendra Narain Agrwal, son of Ravindra Narayan Agrawal
3. Abha Rani wife of Ravindra Narayan Agrawal
4. Meenakshi Kumari D/o Rabindra Narayan Agrawal All are residents of
Mouza Mokimpur Begusarai (Mungeriaganj) P.S. and District Begusarai
5. Smt. Indra Rani D/o Late Bishundeo Naraya Agrawal and W/o Rai
Abhay Krishna, Resident of Anand Bagh, Patna. City Patna
6. Dr. Sanjiv Kumar @ Dr. Sanjiv Kumar Agrawal son of Late Arvind
Kumar Agrawal
7. Mirdula Rani D/O Late Arvind Narayan Agrawal All (6) to (7) are
residents of Mouza Mokimpur (Mungeriaganj) Begusarai

..... Respondent/s

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with

Civil Writ Jurisdiction Case No.24380 of 2013

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Rajiv Kumar Agrawal & Anrs.

..... Petitioner/s

Versus

Jitendra Narayan Agrawal & Ors.

..... Respondent/s

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with

Civil Writ Jurisdiction Case No.8703 of 2015

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Jitendra Narayan Agrawal & Ors.

..... Petitioner/s

Versus

Rajiv Kumar Agrawal & Ors.

..... Respondent/s

Appearance :

(In MJC No.1586 of 2015)

For the Petitioner/s : Mr. Mukesh Kumar Sinha, Adv.

For the Respondent/s : Mr.

(In CWJC No.24380 of 2013)

For the Petitioner/s : Mr. Mukesh Kumar Sinha, Adv.

For the Respondent/s : Mr.
(In CWJC No.8703 of 2015)
For the Petitioner/s : Mr. Mrigank Mauli, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE JYOTI SARAN
ORAL ORDER

5 12-02-2016

Re: M.J.C. No. 1586 of 2015

This contempt application was filed by the petitioner complaining of laches on the part of the court below of not taking appropriate steps for disposal of the suit. Complaint was also made regarding disobedience by the respondent-opposite party Nos. 3 and 4 to the order dated 13.8.2013 passed in the Miscellaneous Appeal. It is in the nature of the allegation made that notices were issued to the respondents concerned who have appeared through counsel Mr. Mrigank Mauli and who submits that whatever execution of the deed has taken place is in the light of the order passed in the proceedings and which also stands noted in the sale deed, the relevant part whereof has not been enclosed in these pleadings. Mr. Mauli has also produced a copy of the order sheet in the court below and which gives a dismal picture about the plaintiff. A report was also called for from the court below which has been received and placed at 'Flag-R' in which Sub-Judge-VI has mentioned that a petition filed by the plaintiff under Order 26 Rule 9 on 9.6.2015 remains pending for disposal. It is also mentioned that the parties are deliberately lingering the disposal of



the suit by filing petition after petition. While it is specifically stated by Mr. Mauli that in so far as opposite party Nos. 3 and 4 is concerned no such application is pending and a similar submission is also being made by Mr. Dhruv Narain appearing for the plaintiff-petitioner denying any such application pending but the order sheet placed by Mr. Mauli reflects that on 9.6.2015 a petition under Order 26 Rule 9 C.P.C. was filed by the plaintiff-petitioner who has thereafter abandoned the same for there is no representation on his behalf either on 22.6.2015 to press the application nor any such steps was taken by him on 15.7.2015. To make matter worse, this petitioner comes before this Court in the present petition and complains of delay in disposal of the suit. Even while the plaintiff-petitioner himself is not pursuing the suit in the court below he makes a charge of delay by the respondents as well as on the court. This application is not worthy of grant of indulgence on this sole account and is dismissed accordingly.

Since there is already an order of this court requiring the court below to proceed in the matter with sense of urgency and dispose of the suit without giving any undue adjournment to the parties and in case it finds that there is an attempt by any of the parties to deliberately delay the disposal, the court may proceed recording its reasons therefor, I do not think any further direction

is required in this regard.

In consequence, this miscellaneous application for drawing contempt proceedings, is dismissed.

Re: C.W.J.C.No.24380 of 2013
With
C.W.J.C.No.8703 of 2015

Put up these cases for consideration under the same heading on 26.2.2016 at 2.15 P.M.

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(Jyoti Saran, J)