

IN THE HIGH COURT OF JUDICATURE AT PATNA
Miscellaneous Jurisdiction Case No.148 of 2016

In
Civil Writ Jurisdiction Case No. 19809 of 2010

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1. Smt. Shobha Kumari
2. Smt. Saroj Kumari Both daughters of Late Sitaram Sao resident of
Mohalla- Machhua Toli, P.S.- Kadam Kuan and District- Patna.

.... Petitioner/s

Versus

1. Ranjeet Sao son of Late Ramdas Sah, resident of Mohalla- Machhua Toli,
P.S.- Kadam Kuan, Town and District- Patna.
2. Smt. Neelam Devi W/o Rabindra Kumar, resident of Mohalla- Machhua
Toli, P.S.- Kadam Kuan, Town and District- Patna.
3. Chandrawati Devi widow of Late Sitaram Sao, resident of Mohalla-
Machhua Toli, P.S.- Kadam Kuan, Town and District- Patna.

.... Opposite parties

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Appearance :

For the Petitioner/s : Mr. D.K.Sinha
Mr. Abhinay Raj

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CORAM: HONOURABLE MR. JUSTICE KISHORE KUMAR
MANDAL
ORAL ORDER

3 03-02-2016 Heard Mr. D. K. Sinha in support of the

application which seeks modification of the order

dated 18.08.2015 passed in CWJC No. 19809 of 2010

as also Mr. Dwivedi who had appeared in the writ

petition on behalf of the decree-

holder(s)/respondent(s).

While disposing of the writ petition, this

Court directed as under:-

*“The writ application is disposed of by
directing the appellate court to dispose
of the appeal on priority basis preferably
within a period of four months from the*

date of receipt/production of a copy of this order before the appellate court by both the parties. Upon production of a copy of this order by the petitioners herein before the appellate court the operation of the decree under appeal in T.A. No. 140 of 2006 shall remain stayed for a period of four months therefrom.”

It is submitted that although the petitioners are pursuing the case on all the dates fixed in appeal and are anxious to get the appeal disposed of on merit but the same has not till date been done and in the meanwhile the interim order passed by this Court has elapsed. He therefore seeks modification in the order by extending the interim order.

Mr. Dwivedi, on the other hand, submitted that the defendant(s)/respondent(s) are also anxious for quick disposal of the matter which is pending on the file of the appellate court since 2006.

If both the parties are willing for expeditious/quick disposal of the case, they may approach the court in seisin of the appeal for hearing of the same on day-to-day basis. Insofar as the prayer for extension of interim order by modifying the order dated 18.08.2015 is concerned, it is in the fitness of things to permit the appellant(s) to make

prayer before the appellate court for consideration in accordance with law.

The writ application stands disposed of.

(Kishore Kumar Mandal, J)

HR/-

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