

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11917 of 2013

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1. Baijnath Roy Son Of Late Kali Charan Roy
 2. Dinesh Kumar Roy
 3. Bimlesh Kumar Roy
 4. Kamlesh Kumar Roy
 5. Umesh Kumar Roy all Sons Of Sri Baijnath Roy all Resident Of Roy Colony,
Naya Tola, Phulwari Sharif, District Patna.

.... Petitioner/s

Versus

1. Jagdish Bhagat
2. Prem Chand Prasad
3. Krishna Prasad Malakar all Sons Of Late Jagarnath Bhagat all Resident Of
Mohalla Chunauti Kuan, Phulwari Sharif, P.S. Phulwari Sharif, District Patna
4. Smt. Nirmala Devi, Wife Of Din Dayal Bhagat, Resident Of Village Daudpur,
P.S. Daudpur, Danapur, District Patna 4a. Pushpa Kumari, Wife Of Ramesh
Prasad, Resident Of Village Jandaha, P.S. Jandaha, District Vaishali. 4b. Punam
Kumari, Daughter Of Shyam Sundar Prasad.
5. Nandeshwar Prasad
6. Akhileshwar Prasad both Sons Of Late Shyam Sundar Prasad all Resident Of
Mohalla Chunauti Kuan, Phulwari Sharif, P.S. Phulwari Sharif, District Patna

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. J.K. Verma, Adv.

Mr. Pankaj Maijorwal, Adv.

For the Respondent/s : Mr. Anil Kumar Srivastava, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 17-11-2016

Heard Mr. J.K. Verma, learned counsel for the
petitioners and learned counsel for the plaintiff-respondents.

Mr. Verma, learned counsel for the petitioners has
confined his prayer in the present application for a direction to the

learned court below for disposal of the suit at the earliest in view of the direction already issued by order dated 22.12.2015 in C.W.J.C. No. 20260 of 2012.

Learned counsel for the plaintiff-respondents has also submitted that the suit should be disposed of at the earliest in accordance with law.

The order dated 22.12.2015 passed in C.W.J.C. No. 20260 of 2012 reads as follows:-

“Learned lower court is directed to expedite the hearing wherein, the learned respective counsels have assured active involvement as well as co-operation at their end and on account thereof, instant suit be disposed of within two months positively.

In case there happens to be any sort of discomfort at the end of any of the parties, the learned lower court will ignore the same while proceeding ahead. Till then, the parties will maintain status quo.”

In view of the above direction issued by this Court, it does not appear to this Court that there is any impediment in disposal of the said suit within the aforesaid time framed. However, considering the submissions as well as the order-sheet which has been brought on record by way of supplementary affidavit, this Court

directs the learned court below to dispose of the suit within a period of two months from the date of receipt/production of this order positively in terms of the earlier order dated 22.12.2015. The learned court below is further enjoined to submit an explanation to this Court if the suit is not disposed of within two months as above directed.

The application is, accordingly, disposed of with the aforesaid direction.

(V. Nath, J)

Devendra/-

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