

IN THE HIGH COURT OF JUDICATURE AT PATNA

CIVIL MISCELLANEOUS JURISDICTION No.436 of 2017

- =====
1. Smt. Bimla Devi aged about 67 years, W/o Late Krishandeo Prasad resident of Motijheel, P.S. Town Thana, P.O. Head Office, District- Muzaffarpur.
 2. Ashish Suman aged about 27 years, S/o Late Krishandeo Prasad resident of Motijheel, P.S. Town Thana, P.O. Head Post Office, District- Muzaffarpur.

.... Petitioners.

Versus

Smt. Amarjeet W/o Baldeo Raj, Resident of Mohalla Baisakhi Ram Lane, P.S. Town Munsifi, Muzaffarpur East Ward No. 25, P.O. & District Muzaffarpur.

.... Respondent

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Appearance :

For the Appellant/s : Mr. Vikas Mohan

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 04-07-2017

The petitioners are aggrieved by non-disposal of the eviction suit filed by him seeking eviction of the defendant on ground of personal necessity and has prayed for a direction from this Court for disposal of the said suit.

From the perusal of the materials on record as well as considering the submissions, it is manifest that the suit has been filed in the year 2004 and is still pending. Though, from the order sheet dated 18.05.2016, it appears that the learned court below was aware of a direction of this Court for disposal of the suit within six months, however, it further transpires that the adjournments thereafter had been granted on the basis that the C.R.No.26/2015 was pending before this Court. At this juncture, leaned counsel for the



petitioners has submitted that the said C.R.No.26/2015 has already been dismissed.

It is not the case on behalf of the petitioner nor it is appearing from the ordersheet that the said fact of disposal/dismissal of C.R.No.26/2015 was brought to the notice of the learned court below by the petitioners who has approached this Court for the aforesaid direction.

In the aforesaid facts and circumstances, this application is disposed of with liberty to the petitioners to file appropriate petition itself in the court below apprising the fact of dismissal of C.R.No.26/2015 and praying for disposal of the suit at the earliest. If such petition is filed by the petitioner, learned court below is enjoined to pass appropriate order in accordance with law.

(V. Nath, J)

Nitesh/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	05.07.2017
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