

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11198 of 2014

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Sudhir Kumar Singh S/O Late Rameshwar Prasad Singh a resident of
Village - Bibhutipur, P.S. - Bibhutipur, Dist - Samastipur.

.... Petitioner

Versus

1. Satyendra Prasad Singh S/O Late Tribhuwan Prasad Singh a permanent resident of Village - Sinepatti, P.S. Kanti District - Muzaffarpur presently residing at Village - Bibhutipur, P.S. - Bibhutipur, Dist - Samastipur.
2. Smt. Renu Devi w/o Vishwanath Thakur a resident of Village - Khajuri, P.S. - Kalyanpur, Dist - Samastipur.
3. Shashibhusan Singh s/o late Jana Kishore Prasad Singh a resident of Village - Ramapur Maheshpur PS - Tajpur, District - Samastipur.
4. Vidyabhushan Singh s/o late Janakishor Prasad Singh a resident of Village - Ramapur Maheshpur PS - Tajpur, District - Samastipur.
5. Ram Lal Mahto s/o Sukal Mahto a resident of Village - Bibhutipur, Tola - Khokhasaha, P.S. - Bibhutipur, Dist - Samastipur.
6. Smt. Lukhiya Devi w/o Jamun Rai a resident of village - Bibhutipur, Tola - Khadiyahi, P.S. - Bibhutipur, Dist - Samastipur.
7. Ram Udhgar Pandit s/o Late Mohan Pandit a resident of village - Bibhutipur, Tola - Khadiyahi, P.S. - Bibhutipur, Dist - Samastipur.
8. Surya Narayan Pandit s/o Late Mohan Pandit a resident of village - Bibhutipur, Tola - Khadiyahi, P.S. - Bibhutipur, Dist - Samastipur.
9. Bijendra Prasad Singh s/o Late Ramkripal Singh a resident of village - Bibhutipur, P.S. - Bibhutipur, Dist - Samastipur.
10. Manoj Kumar Singh s/o Ram Shankar Singh a resident of village - Bibhutipur, P.S. - Bibhutipur, Dist - Samastipur.
11. Yogi Singh s/o Late Ram Nandan Singh a resident of Village - Khokhasaha, P.S. - Bibhutipur, Dist - Samastipur.
12. Chhabila Singh s/o Late Ram Nandan Singh a resident of Village - Khokhasaha, P.S. - Bibhutipur, Dist - Samastipur.
13. Ra Bhusan Singh s/o Rajendra Singh a resident of village - Bibhutipur, P.S. - Bibhutipur, Dist - Samastipur.
14. Arun Kumar Singh s/o Adhaya Prasad Singh a resident of village - Bibhutipur, P.S. - Bibhutipur, Dist - Samastipur.
15. Smt. Lalita Devi w/o Ram Naresh Chaudhary a resident of Village - Sirajpur, P.S. - Parvatta Dist - Munger.
16. Smt Vishaka Devi w/o Ram vinay Sharma a resident of Village - Chapramegh, P.S. Sadar Muzaffarpur Dist - Muzaffarpur presently residing at P.S. - Bibhutipur, Dist - Samastipur.
17. Kedar Singh s/o Late Ram Sagar Singh a resident of Village - Khokhasaha, P.S. - Bibhutipur, Dist - Samastipur.
18. Chandra Bhuvan Singh s/o Late Ram Sagar Singh a resident of Village - Khokhasaha, P.S. - Bibhutipur, Dist - Samastipur.

.... Respondents

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Appearance :

For the Petitioner/s : Mr. Rajni Kant Jha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL ORDER



3 09-01-2017 Heard learned counsel for the petitioner.

The present writ application has been filed for a direction to the Court below to comply with the earlier order of the Court dated 25.04.2001 in Civil Revision No. 1831 of 2000 and dispose of Title Appeal No. 6 of 1997.

Learned counsel for the petitioner submitted that the respondents are delaying the matter in one way or the other and earlier also the petitioner had moved this Court in Civil Revision No. 1831 of 2000 which was disposed off on 25.04.2001 by a Bench of this Court with a direction to dispose off the appeal within three months from the date of receipt/production of a copy of the order but till date the same has not been done. It was submitted that the arguments have been concluded in the year 2009 itself but the matter has not been disposed off.

In view of the order which the Court proposes to pass, it is not deemed necessary to issue notice to the respondents.

Having regard to the facts and circumstances of the case, the writ petition stands disposed off with a direction to the learned Court below at Rosera where Title Appeal No. 6 of 1997 is pending, to dispose off the same positively within three months from the day of the petitioner filing a certified copy of the order before it. As this order is being passed in light of the earlier direction issued by the Court in Civil Revision No. 1831 of 2000



dated 25.04.2001, it is made clear that since the said order has not been complied with even after 15 years, if the appeal is not concluded within the period prescribed, this Court may be constrained to take a serious view in the matter as it is the primary duty of the Court concerned to comply with the direction of the High Court, moreso, in view of the fact that the appellate Court has sufficient power to ensure disposal, even in the absence of cooperation from the parties.

(Ahsanuddin Amanullah, J)

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