

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.3252 of 2017

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Gulam Abu Sayeed, Son of Late Md. Yaqub, Resident of Village- Khuriyal,
P.S.- Azam Nagar, District- Katihar.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Law Department, Government of Bihar, Patna.
2. The Registrar, Civil Court, Katihar.
3. Md. Yasin,
4. Md. Manzar Yaqub, Both sons of Late Md. Yaqub, Both resident of Village- Ghuriyal, P.S.- Azam Nagar, District- Katihar.
5. Nikhat Iqbal, wife of Md. Yah Yah and daughter of Md. Yaqub, Resident of Village- Chaundi, P.O. and P.S.- Barsoi, District- Katihar.
6. Israt Surmadi, Wife of Md. Nausad, Daughter of Late Md. Yaqub, Resident of Village Khusalur, P.O. Tulor Hat, P.S.- Harishchandrapur, District- Maldah (West Bengal).
7. Mostt. Alimun Nisa, wife of Late Ajizuddin,
8. Abdur Rahmani,
9. Khawaza Abdur Bari,
10. Abdul Khairat,
11. Abul Hayat,
12. Gholam Mojib, Respondent No.7 to 12 are sons of Late Ajimuddin and all respondent no. 6 to 12 are resident of Village- Khuriyal, P.S.- Azamnagar, District- Katihar.
13. Bibi Jaiba Khatoon, wife of Abdul Ahad and daughter of Late Alimuddin, Resident of Village Dhutta, P.S.- Barsoi, District- Katihar.
14. Rana Khatoon, wife of Mujibur Rahman and daughter of Late Alimuddin, Resident of Village- Damdama, P.S.- Azamnagar, District- Katihar.
15. Bibi Mainutan Nisa, wife of Md. Wadoo, Resident of Village- Kanerhia, P.S.- Azamnagar, District- Katihar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Bhola Prasad Mr. Mukesh Kumar Jha
For the Respondent/s	:	AC to GA-7

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 13-09-2018 Learned counsel for the petitioner is permitted to
make necessary corrections in the present writ application.

Heard learned counsels for the parties.

In view of the nature of order this Court intends to



pass, this Court is not inclined to issue notice to private Respondent Nos. 3 to 15.

The present writ application has been filed under Article 226 of the Constitution of India for a direction to the learned Sub Judge, Barsoi to conclude the trial of Title (Partition) Suit No. 37 of 1996.

It is submitted by learned counsel for the petitioner that Title (Partition) Suit No. 37 of 1996 was filed by Respondent Nos. 3 and 4 whereas the petitioner was defendant No.1 in the said Title (Partition) Suit. It is further submitted that in the said Title (Partition) Suit, the defendants appeared and filed written statement between 1998-2000. The issue was also framed in 2000 but the evidence did not commence till 2009. It is further submitted that the petitioner, being the defendant in the said Suit, has recently been examined, but the Suit is still pending since the last 22 years. Hence, the present writ application for a direction for disposal of the Suit expeditiously.

Learned counsel for the Respondent-State submits that he is not having any objection if a direction is issued for conclusion of the proceeding of the aforementioned Title (Partition) Suit No. 37 of 1996.

Considering the fact that Title (Partition) Suit No. 37



of 1996 is pending since 1996, it is expected from the learned Sub-Judge Barsoi to conclude the proceeding of the Title (Partition) Suit No. 37 of 1996 in accordance with law, preferably within a period of eight months.

This writ application is accordingly, disposed of.

(Dinesh Kumar Singh, J)

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