

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7121 of 2011

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Rangnath Pandey, son of Late Pawan Kumar Pandey, resident of village- Bandu,
P.S.- Nauhatta, District at Rohtas.

.... Petitioner/s

Versus

Shanker Nath Pandey & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rakesh Narayan Singh, Adv.

For the Respondent/s : Mr. Arun Kumar singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR

ORAL JUDGMENT

Date: 05-10-2018

Petitioner before this Court is defendant no. 2 in Title
Suit No. 22 of 1990 pending in the court of Sub-Judge-III, Sasaram,
Rohtas. He has filed this application for quashing the order dated
05.03.2011 whereby and whereunder his prayer to dispose of all the
thirty two pending petitions one by one was rejected.

2. Heard both sides and perused the documents on
record including impugned order.

3. It appears that the respondent 1st set filed the
aforesaid title suit against the petitioner and other defendants. The
learned court below appointed the defendant no. 2 who is petitioner
before this Court as receiver. He filed as many as thirty two petitions
before the court below during the period from 03.07.2001 to
26.09.2009. The petitioner (defendant no. 2) filed a petition on
07.01.2011 praying therein to proceed with the trial only after



disposal of all the pending petitions. The learned court below considering the age of suit which was filed in the year 1990 and also considering the direction of this Court, observed that it was not proper to hear all the pending petitions turn by turn and so rejected the petition filed by the petitioner and fixed the case for hearing on all the pending petitions in second half. Both the parties were directed to make submission, but the learned counsel for the petitioner refused to argue the case. Thus, I find that the court below has not committed any error in fixing the case for hearing of all pending petitions together considering the age of the suit.

4. In view of above discussions, I do not find any illegality in the impugned order and it requires no interference. This writ application is dismissed and the court below is directed to expedite the trial of suit after disposing of all the relevant interlocutory matters.

(Sanjay Kumar, J)

Mahesh/-

AFR/NAFR	NAFR
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