

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.7089 of 2016

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Kamlesh Jha Son of Late Abinandan Jha, Resident of Village + P.O. -
Chainpur, P.S. - Bangaon, District - Saharsa.

... .. Petitioner/s

Versus

1. The State of Bihar through its Chief Secretary, Government of Bihar, Patna.
2. The Principal Secretary, Department of Law, Government of Bihar, Patna.
3. The Collector, Saharsa.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Pramod Mishra, Adv.
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 02-11-2018 Heard learned Counsels for the petitioner and the
respondent-State.

The present writ application has been filed for a
direction to the learned Munsif, Saharsa to expedite the hearing
and to dispose of the proceeding of Title Suit No.05 of 2008.

It is submitted by learned counsel for the petitioner
that Title Suit No.05 of 2008 has been filed before the
Additional Munsiff Civil Judge, Junior Division, Saharsa,
basically for the relief of revocation of the registered Gift Deed
No.20381 of 1999 and for other ancillary relief. In the said suit,



the argument of the plaintiff-petitioner concluded between 24.11.2014 to 01.05.2015 and the matter was adjourned for the argument of the defendant, but till date it has not been concluded and Title Suit No.05 of 2008 has been pending.

Learned counsel for the respondent-State submits that, at present, he is not having any instruction whether the proceeding of Title Suit No.05 of 2008 has been concluded or not, but if it has not been concluded till date, it will be concluded within a time frame.

Since the writ application was registered on 19.04.2016, but till date no counter affidavit has been filed, moreover, in view of the nature of order this Court intends to pass, this Court is not inclined to adjourn the matter any further.

The petitioner has also not impleaded the defendants of the Title Suit in the present proceeding. Since the prayer in the present writ application is general in nature, the suit was filed in 2008 and the same is pending since last ten years coupled with the specific statement made in paragraph no. 12 of the writ application to the effect that the plaintiff-petitioner's argument has concluded on 01.05.2015, this Court finds no valid reason for keeping pending the proceeding of Title Suit aforementioned.



In the circumstances, it is expected from the learned Munsiff, Saharsa to conclude the proceeding of Title Suit No. 05 of 2008, if it has not been concluded till date, within a period of six months, after the receipt/production of a copy of this order, in accordance with law.

With the observation and direction aforementioned, the writ application stands disposed of.

(Dinesh Kumar Singh, J)

Ashwini/-

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