

IN THE HIGH COURT OF JUDICATURE AT PATNA

Miscellaneous Jurisdiction Case No.631 of 2018

In

C.R. 106 of 2015

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1. Mukul Kumar Pandey @ Mukul Pandey, son of Late Ram Nagina Pandey, resident of Collectorate Chowk, Ujjain Tola, Bettiah, Post & Police Station- Bettiah, District- West Champaran at Bettiah.

.... Petitioner/s

Versus

1. Sri Indradeo Arya, son of Late Jawala Prasad Arya.
2. Smt. Kaushalya Devi, wife of Jwala Prasad Arya, Both residents of Mohalla- Purani Gudari Bettiah, Post & Police Station- Bettiah, District- West Champaran at Bettiah.
3. Sri Sanchit Rai, son of Late Ramdutt Rai.
4. Rajesh Kumar Rai,
5. Sudhir Kumar Rai, Both Sons of Sri Sanchit Rai.
6. Gunjan Rai
7. Prakash Rai Both minor sons of Sri Sanchit Rai through their father and natural guardian Sri Sanchit Rai. All residents of Village- Ganauli Tola, Singha Chapar, Post- Ganauli, Police Station- Bettiah Muffasil, District- West Champaran at Bettiah.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR SRIVASTAVA
ORAL ORDER

2 07-03-2018

Heard the parties.

This petition has been preferred for restoration of Civil Revision No. 106 of 2015 which stood dismissed for non-prosecution on 2.11.2017.

It would appear from perusal of the record that petitioner had filed Civil Revision no. 106 of 2015 challenging the order dated 24.07.2015 passed in Misc Case No. 08 of 2010, pending in



the court of learned 1st Subordinate Judge Bettiah, Dist- West Champaran by which and whereunder learned Sub-Judge, Bettiah restored the Title suit no. 185 of 2000 to its original file and number.

Learned counsel appearing for the petitioner submits that due to communication gap proper pairvi could not be done in Civil Revision no. 106 of 2015. As a result whereof, the aforesaid Civil Revision no. 106 of 2015 stood dismissed for non- prosecution.

Furthermore, the original record of Civil Revision no. 106 of 2015 is available and from perusal of order dated 02.11.2017, it would appear that the petitioner had left pairvi in Civil Revision no. 106 of 2015 and that was the reason, the aforesaid Civil Revision no. 106 of 2015 stood dismissed for non-prosecution.

I find that by filing the above stated Civil Revision no. 106 of 2015, the petitioner has challenged the order dated 24.07.2010 by which Title suit no. 185 of 2000 has been restored and, therefore, in my view, even if, the order dated 24.07.2015 stands in its form as it has been passed, then also no prejudice will cause to the petitioner because if the order dated 24.07.2015 remain stands, then also, the Title suit no. 185 of 2000 shall be decided on its merit. Therefore, in the aforesaid circumstance, in



my view, it would not be proper to restore the Civil Revision no. 106 of 2015 to its original file and number.

Accordingly, this petition stands disposed of on admission stage itself. However, learned 1st Sub-Judge Bettiah/ concerned court should expedite the disposal of Title suit no. 185 of 2000 and try to conclude the same as early as possible, preferably, within a year from date of receipt / production of a copy of this order.

(Hemant Kumar Srivastava, J)

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