

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1512 of 2018

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1. World Renewal Spiritual Trust, registered office at 121, Mahatma Gandhi Road, Fcrt, Bombay 400023, through the Local representative B.K. Aarti D/o Late Shivji Prasad R/o Bharmha Kumari Service Center B.K. Road Laheriasarai, District Darbhanga. Appellant/s

Versus

1. The State of Bihar through the D.M. Darbhanga.
4. The Circle Officer, Bhadurpur, Laheriasarai, District Darbhanga.
5. Deepak Kumar Sinha S/o Late Rajeshwar Prasad Sinha Mohalla Balbhadrapur Laheriasarai, District Darbhanga.
6. Dr. Sunil Kumar Sinha S/o Late Yamuna Prasad R/o Bankers Colony Mohalla Rahamganj P.S. and District Darbhanga. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ravi Bhushan Prasad Verma
For the Respondent 5 & 6 : Mr. Md. Ranjan Kumar Dubey

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA
ORAL ORDER

3 01-11-2018 Heard the learned counsel for the petitioner and the learned counsel for the respondent No. 5 and 6.

The report of learned Sub Judge-V, Darbhanga has been received.

The petitioner has filed this Civil Misc. petition for a direction to the learned Sub Judge-V, Darbhanga to dispose of all his three petitions dated 20.01.2018, 09.03.2018 and 07.09.2018 in Title Suit No. 201 of 2008. The petitioner further seeks direction to the Circle Officer, Bahadurpur, Laheriasarai, Darbhanga for measurement of land of petitioner of plot No. 29423 and 29424 for which he has already deposited the cost.

The learned counsel for the petitioner submits that the case was posted for argument but the petitioner filed a petition for amendment of plaint and the prayer portion. The amendment petition was allowed. The petition of the petitioner for recast of the issues has also been disposed of vide order dated 20.09.2018.



The petitioner filed second petition on 09.03.2018 for appointment of Pleader Commissioner to get the land measured by competent authority such as Circle Officer but the same is still pending although the defendants filed rejoinder on 21.04.2018. The petitioner filed 3rd petition on 07.09.2018 for grant of injunction restraining the defendants from interfering into possession of the plaintiff and for restraining the defendants from alienating the suit property. It is submitted that the suit is pending since 2004.

Mr. Ranjan Kumar Dubey, the learned counsel for the respondent Nos. 5 and 6 submits that on account of the fact that plaintiff has adopted dilly dally tactics and the plaintiff does not want the disposal of the suit, the petitions of the plaintiff have not been disposed of. When the suit was posted for argument, the plaintiff filed petition for amendment of plaintiff with averment that the plaintiff does not want to adduce any further evidence. Thereafter, the plaintiff filed petition on 20.01.2018 for recast of the issues in view of amendment in the plaint and the issues have been recast. On account of delaying tactics of the plaintiff the petition dated 09.03.2018 for appointment of Pleader Commissioner to get the land measured by competent authority such as Circle Officer and the petition dated 07.09.2018 for grant of injunction are pending. The prayer of plaintiff for grant of injunction was rejected in the year 2004.

Having considered the submission of both sides and on perusal of the records, I find that, of course, the petitioner filed a petition on 20.01.2018 for recast of issues in view of amendment made in the plaint and the prayer portion but the same was kept pending. There is no justification in posting the suit for argument in view of the fact that petition for recast of issues, appointment of



Pleader Commissioner as well as for grant of injunction are pending. Now the suit has already been transferred to the court of learned Sub Judge-IV.

In this view of the fact, I direct the learned Sub Judge-IV, Darbhanga to dispose the petitions of the petitioner dated 09.03.2018 and 07.09.2018 within two weeks from the date of receipt of this order and thereafter dispose of the suit in accordance with law.

With the aforesaid direction, this Civil Misc. petition is disposed of.

(Prabhat Kumar Jha, J)

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