

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.304 of 2019**

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Lakshman Purbey (Male) aged about 80 years S/o Late Ram Krishna Purbey,
R/o Village- Raghbir Chak, Rampatti, P.S. Raj Nagar, District- Madhubani.

... .. Respondent-Petitioner

Versus

1. The State of Bihar through Collector, Madhubani.
2. The Circle Officer, Raj Nagar Block, P.S. Raj Nagar, District- Madhubani.

... .. Appellants-Respondents

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Appearance :

For the Petitioner : Mr.Saroj Kumar

For the Respondents : Mr.Raj Kishore Roy, GP-18

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**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT**

This application under Article 227 of the Constitution of India has been filed by the petitioner for directing learned Additional District Judge-VI, Madhubani to pass final order in Title Appeal No. 100 of 2007, which is pending against judgment and decree passed in favour of the petitioner in Title Suit No. 17 of 2004.

2. Learned counsel appearing for the petitioner submitted that the petitioner had filed Title Suit No. 17 of 2004 against State- respondent for declaration of title and possession over the land in question. The learned Munsif-1, Madhubani after considering the submissions of the rival parties passed the judgment and decree in favour of the petitioner on 26.11.2007. Against the judgment dated 26.11.2007, the respondents have filed



Title Appeal No. 100 of 2007 before the District Judge, Madhubani. The appellants-respondents filed a petition under Order XLI Rule 27 read with Section 151 of the Code of Civil Procedure on 07.09.2010 in Title Appeal No. 100 of 2007 for taking additional evidence. The matter was contested by the petitioner. On 19.11.2010, after hearing the parties on the point of taking additional evidence, the petition filed by the appellants-respondents was allowed. Against the order dated 19.11.2010 passed in Title Appeal No. 100 of 2007 by the Additional District Judge, FTC-III, Madhubani, the petitioner filed CWJC No. 7108 of 2011 and after hearing the parties, this Court allowed the writ petition on 08.08.2013 and after setting aside the order dated 19.11.2010 remanded the matter back for passing order afresh after taking into consideration the materials available on record and considering the requirement/desirability of production of additional evidence for pronouncement of judgment. He submitted that after passing the aforesaid order, the matter is yet to be decided and the court is liberally adjourning the case from one date to another on the frivolous requests made by the appellants-respondents. He pleaded that despite a judgment and decree in favour of the petitioner, the State-respondents with no justifiable reason are simply lingering the proceeding in order to harass the



petitioner and defeat the justice. He urged that unfortunately, the court concerned is also paying no heed to the request of the petitioner and is in no mood to decide the case after the matter has been remanded back by this Court vide order dated 08.08.2013 passed in CWJC No. 7108 of 2011.

3. Per contra, learned counsel for the State contended that the State is never interested in lingering any judicial proceeding rather the State has a litigation policy and is always inclined towards bringing an end to pending litigation. He contended that the State would never come in the way of the Court in deciding a case in accordance with law. However, the State would always be interested in protecting its right through legal means.

4. Be that as it may, considering the nature of the prayer of the petitioner, the instant application is disposed of with a direction to learned Additional District Judge-VI, Madhubani to hear Title Appeal No. 100 of 2007 on day-to-day basis and dispose of the same and all interlocutory applications filed therein as early as possible preferably within a period of four months from the date of receipt/production of a copy of this order.



5. It is made clear that no unnecessary adjournment should be granted to either of the parties on any ground.

6. The court below shall be required to file a report to this Court after lapse of four months regarding the outcome of Title Appeal No. 100 of 2007.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.05.2019
Transmission Date	NA

