

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.540 of 2019**

1. Kamalata Devi alias Kamla Devi Daughter of Late Basdeo Singh, wife of Ram Sohavan Singh Resident of Village- Telmar, P.S. Harnauth, District- Nalanda.
2. Shushmi Devi Daughter of Late Basdeo Singh, wife of Parsh Singh Resident of Village- Kaimeer, P.S. Chandi, District- Nalanda.

... .. (Defendants-Respondents)-Petitioners

Versus

Bihar Subai Sunni Majlis -e -a Waqf through Md. Suleman, son of Late Md. Ramzan, resident of Village- Raipura Sakohabad, Paithan Toli, Pargana- Ghayaspore, P.S. Fatua, District Patna.

... .. Respondent

Appearance :

For the Petitioners	:	Mr. Ashok Kumar Choudhary, Advocate Mr. Bhola Kumar, Advocate Mr. Akshansh Ankit, Advocate
For the Respondent	:	Mr.

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

Date : 06-09-2019

This application under Article 227 of the Constitution of India has been filed by the petitioners for quashing the order dated 05.02.2019 passed by learned Additional District Judge-V, Patna City in Title Appeal No. 149 of 1968 whereby the petition dated 16.04.2018 filed by the petitioners-respondent nos. 1A and 1B under Order XXII, Rule 4(3) of the Code of Civil Procedure has been rejected.



2. In course of argument, it has been brought to my notice by the learned counsel for the petitioners that the records of the trial court is missing from the record room and for which the appeal is pending for disposal since the year 1968 and the title suit was instituted in the year 1962. In other words, the present litigation is pending for more than 57 years.

3. After some arguments, learned counsel for the petitioners submitted that the petitioners are not interested in causing any delay in disposal of the appeal. He submitted that he is ready to withdraw the present application, but this Court in exercise of power conferred under supervisory jurisdiction under Article 227 of the Constitution of India should pass appropriate orders so that the pending appeal may be disposed of on merits.

4. Regard being had to the submission made above, the application is disposed of directing the learned Additional District Judge-V, Patna City to take all possible steps in order to trace out the missing file of Title Suit No. 20 of 1962 and in case, the same cannot be found, he should make prompt and sincere efforts to get the record reconstructed from all sources/resources and fix the responsibility of the officials at fault within a fixed time frame, i.e. within six months and in case the lost documents are not reconstructed within the stipulated period,



the reasons for non-reconstruction should be intimated to this Court.

5. Let a copy of the order be transmitted to the learned District Judge, Patna forthwith.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	11.09.2019
Transmission Date	

