

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.9846 of 2010

1. Shyam Sunder Das, Son of late Babu Har Shankar Das
2. Bibhasani Devi, Wife of Sri Shyam Sunder Das
Both Resident of Ghoshi Tola, Maruf Bari Bazar, P.S. Kotwali, District-Munger.

... .. Petitioner/s

Versus

1. Shri Thakur Gopaljee Maharaj through Shewayat Bimla Devi Agrawal, W/o late Gopal Krishna Das
2. Smt. Bimla Devi Agrawal, W/o late Gopal Krishna Das,
Both Residents of Ghoshitola, Maruf Bari Bazar, P.S. Kotwali, District-Munger.
3. Arun Kumar Agrawal, Son of late Murari Das Agrawal, Resident of Mohalla- Bhagat Singh Chowk, Ghositola, P.S. Kotwali, District- Munger.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Harshwardhan Sahay, Advocate
For Respondent no.2	:	Mr. Arvind Kumar Tewary, Advocate
For the Respondent no.6 :	:	Mr. Prashant Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

5 12-04-2019 Heard learned counsel for the petitioners and the respondents.

2. The petitioners have filed the present writ application for quashing of the order dated 05.04.2010, as contained in Annexure-7.

3. Manifests submissions have been advanced on behalf of the petitioners in the instant case. Learned counsel for the petitioners submits that the court below has committed error of jurisdiction in allowing the petition under Order 1 Rule 10 of the C.P.C. He submits that respondents are neither the necessary



party nor the proper party and allowing impleadment would cause delay in deciding pending suit. He further submits that the petition under Order 1 Rule 10 of the C.P.C. was filed with malafied intention. The suit was filed in the year 1999 and this writ application is pending for the last 9 years.

4. Considering the submissions of the parties that they are interested in early disposal of the pending suit, the Court directs the court below to decide the pending suit on priority basis and after hearing the parties decide the same finally within a period of six months from the date of receipt/production of a copy of this order.

5. While deciding the suit, the court below is required to consider the objection of the parties regarding framing of issue without being prejudiced by allowing the petition for impleadment of party under Order 1 Rule 10 of the C.P.C.

6. With the aforesaid, the present writ application stands disposed of.

(Anil Kumar Upadhyay, J)

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