

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.695 of 2019**

Life Insurance Corporation of India through Branch Manager, Branch office,
Buxar.

... .. Plaintiff-Appellant-Petitioner

Versus

1. Shankar Dutt Sharma Son of Late Bhagwan Sharma Resident of Mohalla-Solani Patti, Buxar, P.S.-Buxar, District-Buxar.
2. Ashok Kumar Sharma Son of Barmeshwar Nath Sharma Resident of Mohalla-Solani Patti, Buxar, P.S.-Buxar, District-Buxar.
3. Sumeshwar Sharma Son of Late Mathura Sharma Resident of Mohalla-Solani Patti, Buxar, P.S.-Buxar, District-Buxar.
4. Mahesh Dutt Sharma Son of Bhola Nath Sharma Resident of Mohalla-Solani Patti, Buxar, P.S.-Buxar, District-Buxar.

... .. Defendant 1st set-Respondent 1st set

5. Sri Ram Laxman Janki, Deities through Mahanath Vankatachari-Chela of Sri Chaturbhuj Chari (deceased). Ahirauli Math, Village-Ahirauli, P.S.-Buxar, District-Buxar.
6. Mahanth Venkatachari-Chela of Sri Chaturbhuj Chari (deceased). Ahirauli Math, Village-Ahirauli, P.S.-Buxar, District-Buxar.
7. Bihar State Board of Religious Trust, Patna through its President, P.S. and District-Patna.

... .. Defendant 2nd set-Respondent 2nd set

8. Smt. Sumayana Devi W/o Bindhyachal Pathak Resident of Village-Jaso, P.S. and District-Buxar at present-Turha Toli, Buxar, P.S. and District-Buxar.
9. Narendra Pathak Son of Bindhyachal Pathak Resident of Village-Jaso, P.S. and District-Buxar at present-Turha Toli, Buxar, P.S. and District-Buxar.
10. Vijay Pathak Son of Surajbansh Pathak Resident of Village-Jaso, P.S. and District-Buxar, at present-Turha Toli, Buxar, P.S. and District-Buxar.
11. Sushil Pathak Son of Narayan Pathak Resident of Village-Jaso, P.S. and District-Buxar, at present-Turha Toli, Buxar, P.S. and District-Buxar.
12. Ajay Pathak Son of Narayan Pathak Resident of Village-Jaso, P.S. and District-Buxar, at present-Turha Toli, Buxar, P.S. and District-Buxar.

... .. Defendant 3rd set-Respondents 3rd set

13. The Registrar, Civil Court, Buxar.

... .. Respondents

Appearance :

For the Appellant/s : Mr. Raj Dular Sah
For the Respondent/s : Mr. Mrigank Mauli

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

Date : 05-07-2019



Heard learned counsel for the petitioner.

2. This application under Article 227 of the Constitution of India has been filed by the petitioner for directing the learned Additional District Judge-VI, Buxar to dispose of expeditiously the application filed by the petitioner under Order 39, Rule 1 and Section 151 of the Code of Civil Procedure (for short 'CPC') in Title Appeal No. 15 of 2013.

3. Learned counsel for the petitioner submitted that though the application under Order 39 Rule 1 and Section 151 of the CPC has been filed on 01.09.2018, the court below has not taken up the matter on any date and the same is being kept pending for reasons unknown.

4. There is nothing on record to suggest that after filing the application under Order 39, Rule 1 and Section 151 of the CPC, the petitioner ever pressed his application before the court below. Learned counsel for the petitioner has produced before the Court a xerox copy of the certified copy of the order-sheet of Title Appeal No. 15 of 2013. From perusal of the same also, it does not appear that the application filed on 01.09.2018 was ever pressed before the court below.

5. In absence of any material to show that the petitioner has even pressed his application before the court below, this Court



cannot presume that the court below is sitting tight over the matter.
Accordingly, I am not inclined to issue any direction to the court below in exercise of supervisory jurisdiction under Article 227 of the Constitution of India.

6. The application lacks merit. It is dismissed.

(Ashwani Kumar Singh, J)

Pradeep/-

AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	08-07-2019
Transmission Date	

