

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.23209 of 2012

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Yugal Kishore Yadav, Son Of Late Janaki Yadav, Resident of Village -
Dholkatma, P.O. Gugal Dih, P.S. - Gidhaur, District - Jamui

... .. Petitioner/s

Versus

1. Mudal Yadav, Son of Late Prasadi Yadav
2. Bedu Yadav, Son Of Late Prasadi Yadav
Both Residents of Village - Dholkatwa, P.O. Gugal Dih, P.S. - Gidhaur,
District - Jamui

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR UPADHYAY
ORAL ORDER

4 26-04-2019 It appears from the order dated 17.01.2013 that the
judgment of Title Suit No. 36 of 2007 was kept in abeyance.

2. After conclusion of the hearing when the title suit
was posted for judgment, the petitioner has approached this
Court in 2012 and thereafter the present writ application
remained pending and as a result of interim order dated
17.01.2013, the title suit is pending.

3. This Court has noted the trend of the petitioner in
ignoring the Court proceeding after obtaining the interim relief
on 17.01.2013 and made it clear on 10.04.2019 that if the
petitioner will not appear in the Court on 22.04.2019, the Court
will proceed to dispose of the case on the basis of materials
available on record.



4. From perusal of the pleadings, it appears that the respondents have filed the suit and after completing all the formalities for adjudication and after hearing the parties when the court below posted the title suit for judgment, the defendant-petitioner approached this Court by way of filing the present writ application and prayed to keep the proceeding pending before the court below till disposal of this case.

5. The suit was heard on merit and judgment was reserved, there is no point in keeping the present writ application pending.

6. Accordingly, the writ application is disposed of with a direction to the court below to pronounce the judgment of pending title suit. Before pronouncing the judgment, the court below shall provide one more opportunity to the defendants, if they wish to make oral submission or propose to file written notes of argument, which shall be completed by the defendants within a period of 30 days from the date of receipt/production of a copy of this order.

(Anil Kumar Upadhyay, J)

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