

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1592 of 2019

1. Kumari Asha Rani W/o Ashok Kumar Singh Advocate, Patna High Court, Plot No. 160, Road No. 2, Sri Krishna Nagar, P.O.- Kidwaipuri, P.S.- Buddha Colony, District- Patna
2. Krishna Deo Singh S/o Late Ram Bharosa Singh B-30, Anand Vihar, P.O.- Bihar Veterinary College, P.S.- Rupaspur, District- Patna

... .. Appellant/s

Versus

1. The Registrar General, Patna High Court
2. Krishna Kumar Singh S/o Late Ram Dutt Singh resident of Village- Piprawan, P.O.- Bahrapur, P.S.- Dhanarua, District- Patna present resident of Shanti Kunj, House No. 149, Mahatama Gandhi Nagar, P.O.- Lohia Nagar, P.S.- Patrakar Nagar, District- Patna
3. Binod Singh S/o Late Ram Dutt Singh resident of Village- Piprawan, P.O.- Bahrapur, P.S.- Dhanarua, District- Patna present resident of Shanti Kunj, House No. 149, Mahatama Gandhi Nagar, P.O.- Lohia Nagar, P.S.- Patrakar Nagar, District- Patna
4. Vikash Singh S/o Late Ram Dutt Singh resident of Village- Piprawan, P.O.- Bahrapur, P.S.- Dhanarua, District- Patna present resident of Shanti Kunj, House No. 149, Mahatama Gandhi Nagar, P.O.- Lohia Nagar, P.S.- Patrakar Nagar, District- Patna

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr. Nagendra Rai, Advocate Mr. Navin Nikunj, Advocate Mr. Ashok Kumar Singh, Advocate
For the Patna High Court	:	Mr. Satyabir Bharti, Advocate Mr. Abhimanyu Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date : 25-11-2019

Heard learned counsel for the petitioners and learned counsel for the Registrar General , Patna High Court (Respondent No. 1).

2. The present writ petition has been filed for the following reliefs as formulated by the petitioners __

“(A)Your Lordships may be pleased to issue a writ of mandamus commanding/directing the Court of



Sub Judge II, Danapur to dismiss the T.S. No. 54/2008 on ground of non-prosecution due to unauthorised, false and fraudulent filing of attendance (Hazari) by Sri Prabhunath Singh, the Advocate for private respondents without any Vakalatnama executed in his favour by his clients (the private respondents) regularly and continuously for four and half years from 02.08.2014 to 29.01.2019 and complete non-prosecution by total non-filing of attendance (Hazari) on 27.03.2019, 29.04.2019, 30.05.2019, 16.07.2019 and 19.08.2019 by any Advocate;

(B) Your Lordships may be pleased to issue a further writ of mandamus commanding/directing the respondent no. 1, Registrar General, Patna High Court to issue direction to the Bar Council of Bihar to cancel the enrolment/registration to practice law of Prabhunath Singh, the Advocate without Vakalatnama of private respondents who has committed professional misconduct under the Advocates' Act through filing of unauthorised, false and fraudulent attendance (Hazari) on behalf of his clients the private respondents regularly and continuously for four and a half years w.e.f. 02.08.2014 to 29.01.2019 and illegally showing them as present before the Court of Sub Judge II, Danapur, thus committing perjury and fraud in judicial records of the Court in dispersing violation of law and playing with the dignity of the Court.

(C) Your Lordships may be pleased to issue a further writ of mandamus commanding/directing the respondent no. 1, the Registrar General, Patna



High Court to refer the instant Civil Miscellaneous Petition treating it as an Administrative Complaint to the Vigilance Cell of this Hon'ble Court with a direction to conduct an enquiry with regard to the allegations as contained in the instant writ petition and on getting the report thereof to refer the matter the Standing Committee and Full Court of this Hon'ble Court for awarding suitable punishment to Smt. Reshma Verma, the Sub Judge-II, Danapur, who is adamant not to dismiss the T.S. No. 54/2008 by deliberately and purposely ignoring and overlooking two petitions dated 04.12.2018 and 19.08.2019 filed by petitioners on record of the case with a prayer for dismissal of the Suit on ground of non-prosecution on account of unauthorised forged and fraudulent attendance (Hazari) filed by Sri Prabhu Nath Singh, the self appointed Advocate of the private respondents for four and half years continuously and regularly w.e.f. 02.08.2014 to 29.01.2019 and complete non-filing of attendance (Hazari) on behalf of the private respondents by any Advocate from 27.03.2019, 29.04.2019, 30.05.2019, 16.07.2019, 19.08.2019 thus she had committed "Gross Miscarriage of Justice".

(D) Any other writ, order or orders which your Lordships may deem fit and proper may also kindly be passed."

3. At the outset learned counsel for the petitioners states that the aforesaid prayers in the writ petition are not pressed in view of the subsequent development that the substitution petition dated 02.08.2014 has been allowed upon



death of the sole plaintiff Ram Dutt Singh. It is submitted that any grievance in the matter would be urged separately before the appropriate forum. Learned counsel for the petitioners confines his prayer and submits that a direction may be issued to the learned Court below to expedite and conclude the hearing of the suit without undue delay as the same has remained pending for more than a decade.

4. Learned counsel for the Registrar General, Patna High Court (Respondent No. 1) appears and has been heard.

5. Having regard to the limited grievance of the petitioner, the present writ petition is disposed of with the expectation that the learned Court below will take up and dispose of the suit without undue delay or granting unnecessary adjournments if sought by the parties.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.12.2019
Transmission Date	NA

