

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1641 of 2019

1. Serajul Mian Son of Late Abdul Mian Resident of Village- Kalibagh, Gusukpur, P.O.- Bettiah, P.S.- Kalibagh, District- West Champaran, Bettiah.
2. Md. Anbar Son of Serajul Mian Resident of Village- Kalibagh, Gusukpur, P.O.- Bettiah, P.S.- Kalibagh, District- West Champaran, Bettiah.

... .. Plaintiffs-Petitioners

Versus

1. The Executive Officer, Nagar Parishad Bettiah.
2. The State of Bihar through Collector, Bettiah, West Champaran.

... .. Respondent/s

Appearance :

For the Petitioners

Mr. Shardanand Mishra

Mr.Dhananjay Kumar Gupta

For the State

:

Mr.Yogendra Pd. Sinha (AAG-7)

Mr. Rajeev Kumar Sinha, AC to AAG 7

CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT

08-01-2020

The present petition has been filed “*for quashing the order dt.13.09.2019 passed by Sub Judge 1st, Bettiah, West Champaran in T.S.No.198/2019 by which directed to petitioner to complete the process u/s 80 C.P.C. thereafter title suit filed.*”

2. Learned counsel for the plaintiffs/petitioners submits that the learned court below ought to have appreciated the urgency of the matter and treated the same as covered under Section 80(2) CPC whereunder prior notice was not required to be given to the respondents.

3. Having heard learned counsel for the plaintiffs/petitioners and on a consideration of materials on record, this Court is not inclined to interfere in the matter.



4. From a perusal of the impugned order, it appears that the plaintiffs/petitioners did not produce any material to show that there was any impending threat of dispossession nor that any notice for dispossession has been served upon them.

5. Despite four months having elapsed after the impugned order was passed, the plaintiffs/petitioners have also not produced any material before this Court to show any subsequent event having transpired in order to support their claim of urgency in the matter for dispensing with the notice to the respondents u/s 80 CPC.

6. The petition is therefore devoid of merit and is dismissed as such.

(Vikash Jain, J)

HR/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	13 .01.2020
Transmission Date	

