

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.51 of 2020

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Aziz Ahmad Khan @ Ajaz Ahmad Khan, Son of Abdul Azeez Khan, Resident of Ward No. 16, Kamra Mohalla, Banaras Bank Chowk, Muzaffarpur, P.S. Town, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. Firoz Ahmad Khan, Son of Late Abdul Hafiz Khan, Resident of Mohalla-Saraiyaganj Company Bag, Town Muzaffarpur, P.O. H.P.O., P.S. Town, District-Muzaffarpur.
2. Sarfaraz Ahmad Khan, Son of Late Abdul Hafiz Khan, Resident of Mohalla-Saraiyaganj Company Bag, Town Muzaffarpur, P.O. H.P.O., P.S. Town, District-Muzaffarpur.
3. Most. Amir Begum, Widow of Late Abdul Hafiz Khan, Resident of Mohalla-Saraiyaganj Company Bag, Town Muzaffarpur, P.O. H.P.O., P.S. Town, District-Muzaffarpur.
4. Nazir Ahmad Khan @ Chunnu, Son of Late Aziz Khan, Resident of Mohalla-Saraiyaganj Company Bag Town, Muzaffarpur, P.O. and P.S. Muzaffarpur Town, District-Muzaffarpur.
5. Ishrar Ahmad Khan @ Munna, Son of Late Aziz Khan, Resident of Mohalla-Saraiyaganj Company Bag Town, Muzaffarpur, P.O. and P.S. Muzaffarpur Town, District-Muzaffarpur.
6. Faiyaz Ahmad Khan, Son of Late Aziz Khan, Resident of Mohalla-Saraiyaganj Company Bag Town, Muzaffarpur, P.O. and P.S. Muzaffarpur Town, District-Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arvind Kumar, Adv
For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN
ORAL JUDGMENT
Date : 24-02-2020

Heard learned counsel for the opposite party
no.2/petitioner.

2. The present petition has been filed *“for setting aside the order dated 15.10.2019 passed by the learned Execution Munsif, Muzaffarpur in Miscellaneous Case No. 29 of 2013 (Firoz*



Ahmad Khan vs. Nazir Ahmad Khan) whereby and whereunder the petition dated 28.08.2019 and 15.07.2019 have been disposed off without any reason and directed both the parties to make proper pairvi diligently and further to issue direction to the Court below to conclude proceeding within time framed by this Hon'ble Court. So that dispute between the parties may be resolved, accordingly and further learned Court below be directed to resolve the dispute by way of measuring plots of disputed land between the parties if the petitioner may be found entitled for any other relief/reliefs in the eye of law."

3. Learned counsel for the opposite party no. 2/petitioner, at the time of hearing of the present application, confines the relief sought in terms of a direction to the learned Court below to dispose of the restoration petition in Misc. Case No. 29 of 2013 filed by the applicant (1st set)/respondent (1st set) within a time frame.

4. It is stated that the title suit filed by the father of the applicant (1st set)/respondent (1st set) in the year 1989 was dismissed for default on 03.08.2013, for the restoration of which Misc. Case No. 29 of 2013 was filed. The restoration petition was also dismissed for default which was however revived after Misc. Case No. 1 of 2017 was allowed for restoring the same. It is submitted that more than three decades have elapsed since title suit was filed in 1989 and the matter is still at the stage of



restoration.

5. Having regard to the nature of the grievance of the petitioner and that the title suit has remained pending for more than three decades, the petition is disposed of with the observation that the learned Court below may, having regard to the exigencies obtaining in the case, consider expeditious disposal of Misc. Case No. 29 of 2013, preferably within a period of two months from the date of receipt/production of a copy of this judgment.

6. Considering the nature of the observations as above, no notice to the respondents was considered necessary.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.02.2020
Transmission Date	NA

