

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.107 of 2020

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Pahwari Rai Son of late Jagarnath Rai, Resident of Village- Gulariya, P.O. Khaira Tola, P.S. Bhitahai, District- West Champaran.

... .. Plaintiff/Petitioner

Versus

1. Suresh Rai Son of Ramagya Rai, Resident of Village- Gulariya, P.O. Khaira Tola, P.S. Bhitahai, District- West Champaran.
2. Binod Rai, Son of Chandrika Rai, Resident of Village- Gulariya, P.O. Khaira Tola, P.S. Bhitahai, District- West Champaran.
3. Manoj Rai, son of Chandrika Rai, Resident of Village- Gulariya, P.O. Khaira Tola, P.S. Bhitahai, District- West Champaran.
4. Ajay Rai, Son of Ram Chandra Rai, Resident of Village- Gulariya, P.O. Khaira Tola, P.S. Bhitahai, District- West Champaran.
5. Most. Neelam, Wife of late Subhash Rai, Resident of Village- Gulariya, P.O. Khaira Tola, P.S. Bhitahai, District- West Champaran.
6. Pintu Rai Son of late Subhash Rai, Resident of Village- Gulariya, P.O. Khaira Tola, P.S. Bhitahai, District- West Champaran.
7. Tuntun Rai, Son of late Subhash Rai, Resident of Village- Gulariya, P.O. Khaira Tola, P.S. Bhitahai, District- West Champaran.
8. Abhay Rai, Son of late Subhash Rai, Resident of Village- Gulariya, P.O. Khaira Tola, P.S. Bhitahai, District- West Champaran.
9. Awadhesh Sahi, Son of Chandradhari Sahi, Resident of Mauza- Turpati, Mahuawa, P.O. and P.S. Turpatti, District- Kushinagar, U.P.
10. Umesh Sahi, Son of Chandradhari Sahi, Resident of Mauza- Turpati, Mahuawa, P.O. and P.S. Turpatti, District- Kushinagar, U.P.
11. Ingrawati Devi, D/o of Chandradhari Sahi, Wife of Amleshwar Rai, Resident of Mauja Mukundpur, P.O. Traiya, District- Kushinagar, U.P.
12. Ramawati Devi, D/o of Chandradhari Sahi, Wife of Kamleshwar Rai, Resident of Village- Madhopur.
13. Shobha Devi, D/o of chandradhari Sahi, Resident of Mauza- Diwani, P.O. Jataha, District- Kushinagar, U.P.

.... Defendant 1st Set/Respondent 1st Party

14. Gorakh Rai, Son of late Radha Rai, Resident of Village and P.O. Raja Pakar, P.S. Turpatti, District- Kushinagar, U.P.
15. Dhelman Rai, Son of late Gorakh Rai, Resident of Village and P.O. Raja Pakar, P.S. Turpatti, District- Kushinagar, U.P.

.... Defendant 2nd Set/Respondent 2nd Party

16. Kailash Gadi, Son of Gasai Gadi, Resident of Mauza Tumkuha, P.O. Katahar, P.S. Dhanha, District- West Champaran.



17. Vishwanath Gadi, Son of Sitaram Gadi, Resident of Mauza Khalwa Patti, P.O. Katahar, P.S, Dhanha, District- West Champaran.
18. Chandrika Teli, Son of Sukhdeo Teli, Resident of Village- Khalwa Patti, P.O. Katahar, P.S, Dhanha, District- West Champaran.
19. Ramesh Rai, Son of Harihar Rai, Resident of Village- Gulariya, P.O. Dhanha, P.S. Bhitaha, District- West Champaran.
20. Kashi Pandey, Son of Baiju Pandey, Resident of Mauja Pali Tola, Gulariya, P.O. Khaira Tola, P.S. Bhitaha, District- West Champaran.
21. Jivit Kurmi, Son of Mangru Kurmi, R/o Mouja, Pali Tola, Gulariya, P.O. Khaira Tola, P.S. Bhitaha, District- West Champaran.
22. Harilal Kurmi, Son of Banki Kurmi, Resident of Mouja Pali Tola, Gulariya, P.O. Khaira Tola, P.S. Bhitaha, District- West Champaran.
23. Rajesh Kurmi, Son of Brij Narayan Kurmi, Resident of Mouja Pali Tola, Gulariya, P.O. Khaira Tola, P.S. Bhitaha, District- West Champaran.

.... Defendant 3rd Set/Respondent 3rd Party

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Appearance :

For the Petitioner/s : Mr. Dronacharya, Advocate
For the Respondent/s: Mr.

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN

ORAL JUDGMENT

Date : 25-02-2020

Heard learned counsel for the plaintiff/petitioner.

2. The present petition has been filed *"for a direction to the learned court below to dispose of the suit in question (Partition Suit No. 42 of 2004) at an early date since the same is pending for more than 15 years without its final disposal"*.

3. Learned counsel for the plaintiff/petitioner submits that Partition Suit No. 42 of 2004 was filed more than one and half decades ago but is still pending with no significant progress. The plaintiff/petitioner is a man of advanced years, at present 75 years of age.



4. Having regard to the nature of the grievance of the plaintiff/petitioner and that the partition suit has remained pending for more than 15 years, the petition is disposed of with the observation that the learned Court below may, having regard to any exigencies obtaining in the case, consider expeditious disposal of Partition Suit No. 42 of 2004, preferably within a period of six months from the date of receipt/production of a copy of this judgment.

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

(Vikash Jain, J)

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AFR/NAFR	NAFR
CAV DATE	N.A.
Uploading Date	04.03.2020
Transmission Date	N.A.

