

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.431 of 2021**

Amitav Khemka Son of Sri Mahabir Prasad Khemka Resident of Maunlia Pati, Choudhary Bazer, Cuttak M.C. Telenga Bazer P.S. Purighat, District of Cuttack, State of Orissa, presently residing at Flat No. 603, Kaushalya Estate, Bandar Bagicha, P.S. Kotwali District Patna.

... .. Petitioner/s

Versus

1. M/s Patna Wire and Wire Products, a partnership Firm registered under the Indian Partnership Act, 1932 having its present office at Flat No. C-602, Kaushalya Estate, Bandar Bagicha, Patna through its Managing Partner Smt. Sumitra Devi, wife of Late Ram Niwas Agrawal, resident of Goenka Sadan, Guru Govind Path, Jhauganj, Patna City, Patna.
2. Smt. Sumitra Devi Wife of Late Ram Niwas Agrawal Resident of Goenka Sadan, Guru Govind Path, Jhauganj, Patna City, Patna.
3. Smt. Meena Khemka, Daughter of Late Ramniwas Agrawal, Wife of Sri Amitav Khemka, Resident of Mohalla Guru Govind Path, PS- Chowk, Town - Patna city, District- Patna - 800008.
4. Smt. Shilpy Agrawal Daughter of Late Ramwiwas Agrawal, Wife of Sri Abhishek Sultania, resident of Mohalla Guru Govind Path, PS - Chowk, Town - Patna City, District- Patna - 800008.
5. Smt. Shakuntala Devi Wife of Late Bajrang Prasad Agrawal Resident of Flat No. 401-402, Goenka Complex, Guru Govind Path, Nai Sadak, Chowk, P.S. Chowk, Patna City, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Priya Gupta
For the Respondent No.1 & 2	:	Mr. Mohit Agarwal

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

2 03-12-2021 Heard the learned counsel for the petitioner as well as
learned counsel for the respondent No.1 and 2.

Learned counsel for the petitioner has submitted that the petitioner has filed Mortgage Title Suit No.250 of 2012 which is pending in the Court of Sub Judge-II, Patna City. In that suit, the petitioner is plaintiff and his evidence was closed without giving proper opportunities to lead his evidence. A petition to recall that

order is still pending. As submitted that recall petition was filed on 15.1.2021, which is still pending.

The learned counsel for the respondent No.1 and 2 has also submitted that he has no objection if the recall petition is allowed.

The learned Court below is directed to dispose of the recall petition within a period of 15 days, after receipt of this order in the Court below. If the Court below has already fixed the date posterior to receipt of this order, these 15 days limitation will run after the date already fixed by the Court below.

The learned counsel for the petitioner has also submitted that the Mortgage Suit No.250 of 2012 has been instituted in the year 2012, as such, a direction for expeditious disposal may be issued.

The learned Court below, after considering its docket as well as considering the other cases which were under priority of the Court below, shall take every endeavour to speedy disposal of the present suit. This order shall be subject to any legal or procedural impediment if it is beyond the control of the parties.

With these observations, this Civil Misc. petition is being disposed of.

(Nawneet Kumar Pandey , J)

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