

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.706 of 2018

Sunil Kumar Singh son of Shri Ram Nandan Singh resident of village Berhana Bujurg, Mirzapur, P.S. Barh, District Patna.

... .. Petitioner/s

Versus

1. Bhola Singh son of late Harihar Singh
2. Yogendra Prasad Singh son of late Ram Chandra Singh
3. Janardan Singh son of late Ram Chandra Singh
4. Bilayati Singh son of late Ram Chandra Singh
5. Vijay Singh son of Balak Singh All residents of village Barhara Bujurg, Mirzapur, P.S. Barh, District Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar, Advocate.
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 29-11-2022 The material fact involved in this case, according to the petitioner, is that the suit was filed by the petitioner/plaintiff for partition of one of the joint properties which was situated in the town area and the same was not made the subject matter of partition of the landed and other properties situated in the village.

The case of the defendants is that there was previous partition which took place about 90 years back and the property situated in the town was also partitioned. The prayer of petitioner for appointment of receiver has been rejected by the learned Trial Court as well as the District Appellate Court.



I have heard learned counsel for the petitioner and have gone through the materials on record.

From the record, it transpires that the defendants are in possession of the shop situated in the building and are receiving rent. The case of the defendants is that there was previous partition amongst co-sharers. The case of the plaintiff is that during previous partition of joint family property, this property situated in the town, was kept aside.

In view of the rival claims of the parties and the defence of the previous partition of the defendants, I am of the opinion that there is no requirement of appointment of receiver in the present matter.

Accordingly, the order dated 6.3.2018 passed by the learned District & Sessions Judge-II, Barh, Patna, in Misc. Appeal No. 08 of 2016 and the order dated 12. 01.2016 passed by the learned Sub Judge-II, Barh, in Title Suit No. 161 of 2015 are not required to be interfered with, and, therefore, this application stands dismissed.

At this stage, learned counsel for the petitioner submits that the suit was filed in the year 2012 and the case is pending for about ten years. Accordingly, he prays that the suit may be directed to be disposed of expeditiously.



Taking into consideration the fact that the suit is pending for last ten years, the learned Trial Court is directed to dispose the suit on its own merit within a period of one year.

(Anil Kumar Sinha, J)

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