

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.98 of 2022

Chandan Kumar Singh Son of Late Kamleshwari Prasad Singh Resident of Mohalla-Shivpuri, Behind Bal Bharti School, Police Station-K.Hat, District-Purnea.

... .. Petitioner/s

Versus

1. Lakhan Das Son of Late Mantu das, Resident of Mohalla-Madhopara, Police Station-K.Hat, District-Purnea.
2. Arbind Sur. Son of Late Bishnu Prashanna Sur. Resident of Mohalla-Bhatta, Durgabari, Police Station-K.Hat, District-Purnea.
3. Arunasur Sur. Son of Late Bishnu Prashanna Sur. Resident of Mohalla-Bhatta, Durgabari, Police Station-K.Hat, District-Purnea.
4. Sri Subhash Sur. Son of Late Bishnu Prashanna Sur. Resident of Mohalla-Bhatta, Durgabari, Police Station-K.Hat, District-Purnea.
5. Sri Sudhansu Sur Son of Late Bishnu Prashanna Sur. Resident of Mohalla-Bhatta, Durgabari, Police Station-K.Hat, District-Purnea.
6. Most. Inarwati Devi Wife of Late Mahendra Das. Resident of Village-Belaury, Police Station-Sadar, District-Purnea.
7. Smt. July Devi Daughter of Motsan Das and Wife of Basant Das. Resident of Village-Belaury, Police Station-Sadar, District-Purnea.
8. Smt. Pacho Devi Daughter of Late Motsan Das and Wife of Narayan Das. Resident of Mohalla-Bhatta Tatma Toli, Police Station-K.Hat, District-Purnea.
9. Smt. Putul Devi Daughter of Late Motsan Das Wife of Sri Jagarnath Das. Resident of Mohalla-Bhatta Tatma Toli, Police Station-K.Hat, District-Purnea.
10. Smt. Lakhiya Devi Daughter of Late Motsan Das and Wife of Sri Parikshan Das Resident of Village-Lalbari, Police Station-Sadar, District-Purnea.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Jitendra Prasad Singh

For the Respondent/s :

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 20-06-2022 Mr. Jitendra Prasad Singh, learned counsel for the

petitioner submits that the petitioner is the plaintiff in Title Suit

No. 34 / 2018 seeking relief of declaration of title and grant of



permanent injunction.

A petition under Order 39 Rule 1 & 2 read with Section 151 of the C.P.C. has been filed by the petitioner-plaintiff for temporary injunction which is pending since the date of filing i.e. 31-08-2018.

The only submission of learned counsel for the petitioner is that despite lapse of about 04 years the injunction petition filed by petitioner - plaintiff has not been decided.

From perusal of entire order sheet annexed at Annexure- 3 to the present application it appears that notices were issued by the learned Sub Judge 1st, Purnea to the defendant and pursuant thereto some of the defendants have appeared and filed their show cause and some chose not to appear and accordingly by order dated 05-08-2019 the petition for injunction was fixed on 14/08/2019 for *ex-parte* hearing and since then no development has taken place. Accordingly, submission is that the court below may be directed to dispose the injunction petition of the petitioner one way or the other in accordance with law.

Taking into consideration the fact that injunction petition filed by the petitioner is pending for about more than 04 years, the court below is requested to dispose of the same in



accordance with law within a reasonable period of time preferably within a period of two months.

The civil miscellaneous application is disposed of.

(Anil Kumar Sinha, J)

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