

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.151 of 2021**

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Anup Prasad Singh Son of Late Gopal Prasad Singh, Resident of Village and
P.O. - Koilwan, P.S. - Haspura, District - Aurangabad.

... .. Petitioner/s

Versus

Shailendra Kumar Son of Late Raja Prasad Sharma, Resident of Village and
P.O. - Koilwan, P.S. - Haspura, District - Aurangabad.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar Sharma
For the Respondent/s : Mr.Sunil Kumar

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

ORAL ORDER

4 04-04-2022 Heard the learned counsel for the petitioner as well as

the learned counsel for the respondent.

Vide impugned order, during pendency of the Title
Suit No. 189 of 2014, a petition was filed on behalf of the
defendant nos. 1 to 3 on 25th of January, 2021 to call for the
measurement report along with sketch map submitted by
Anchal Amin, measured on 14.06.2014 and the report was
submitted on 7th of August 2014. That petition was opposed on
behalf of the respondent and ultimately, it was rejected by the
impugned order.

The learned counsel for the petitioner has submitted
that subsequent to that order, the entire record of Measurement
Case No. 18/13-14 was called for by the court below, vide order
dated 12.03.2021.



The learned counsel for the respondent has submitted that, vide order dated 17.01.2018 in Civil Miscellaneous Jurisdiction No. 620 of 2016, the coordinate Bench of this Court has directed the court below to dispose of the case within a period of six months. Despite that, due to lingering tendency of the petitioner/defendant, it is still pending. He has submitted further that in Measurement Case No. 18/13-14, a petition has been filed on behalf of the respondent/plaintiff before the court below to stay that proceeding. In that measurement case, a petition has been filed, informing the court of Circle Officer about the pendency of Title Suit No. 189 of 2014 and considering that the proceeding in measurement case was stayed, vide order dated 12.06.2014. The learned counsel has also submitted that despite that fact, the proceeding in measurement case was stayed and ignoring this fact, the measurement was done on 14.06.2014.

It is an admitted fact that the learned court below has already called for the entire record of Measurement Case No.18/13-14 for consideration and for assistance in final disposal of this case. As such, I do not find any reason to interfere with the impugned order dated 28.01.2021.

The learned court below will be at liberty to exhibit



the report, if it is required for jurisdiction of this case.

As this Court has already directed the learned court below to dispose of the case within a period of six months, vide order dated 17.01.2018 in Civil Miscellaneous Jurisdiction No.620 of 2016, the learned court below shall take every endeavour to dispose of the case. Although, the time limit has already been elapsed, but the learned court below is directed to dispose it of within a period of three months.

With the above observation/direction, this civil miscellaneous petition is being disposed of.

(Nawneet Kumar Pandey, J)

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