

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.328 of 2022**

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Eqbal Haider Khan Son of Late Akhtar Hussain Khan, Resident of Mohalla -
Dulighat, P.S. - Khaja Kalan, Patna City, District - Patna.

... .. Petitioner/s

Versus

Yusuf Haider Khan Son of Akhtar Hussain Khan, Resident of Mohalla -
Dulighat, P.S. - Khaja Kalan, Patna City, District - Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shabbir Ahmad, Advocate.
For the Respondent/s : None.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-11-2022 Heard Mr. Shabbir Ahmad, learned counsel for the

petitioner.

Learned counsel for the petitioner submits that Title
Partition Suit No. 11 of 1987 was filed by the
respondent/plaintiff seeking partition of the family property. He
further submits that evidence of plaintiff has been closed and the
suit is at the stage of recording evidence of the defendants. The
defendants have examined their witnesses and only the cross-
examination of DW-3 namely, Amiruddin is pending since 2018
inasmuch as the petitioner has submitted the examination-in-
chief on affidavit of defendant No. 3.

Referring to Annexure-I, learned counsel submits that
this Court vide its order dated 19.4.2016 passed in CWJC No.
4652 of 2014, directed the learned Trial Court to expedite the



hearing of the suit and dispose the same within a period of one year from the date of receipt/production of a copy of this order. From the aforesaid date of 2016, six years have already passed but the suit has not been disposed as yet. The suit is pending for about 35 years. Accordingly, limited prayer of the petitioner is for a direction to the trial court to dispose the suit within a reasonable time.

Taking into consideration the aforesaid submission and the fact that earlier also the learned Trial Court was directed by this Court to dispose the suit within a period of one year, I direct the learned Sub Judge-VI, Patna City, to dispose the suit on its own merit within a period of six months positively.

It is made clear that unnecessary adjournment shall not be given by the learned Trial Court to either of the parties.

(Anil Kumar Sinha, J)

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