

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.440 of 2022

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Dipt Kishor Son of Late Rambhadra Jha, resident of Village - Saraiya Ojhawalia, Ward No. 16, Siswa Saraiya, P.S.- Betia, District - West Champaran.

... .. Petitioner/s

Versus

1. Siddharth Shankar Jha Son of Late Srishti Natha Jha, Resident of Gayatri Sadan, Village and P.O. and Police Station - Sabour, District - Bhagalpur.
2. Manna Jha, Wife of Late Navin Nath Jha, Resident of Rai Saheb Tank, Laheria Sarai, P.S.- Laheria Sarai, District and Town - Darbhanga.
3. Dr. R.K Jha Son of Late Navin Nath Jha, Resident of Rai Saheb Tank, Laheria Sarai, P.S.- Laheria Sarai, District and Town - Darbhanga.
4. Dr. Dev Dev Jha Son of Late Navin Nath Jha, Resident of Rai Saheb Tank, Laheria Sarai, P.S.- Laheria Sarai, District and Town - Darbhanga.
5. Asha Jha, Daughter of Late Navin Nath Jha, Resident of Rai Saheb Tank, Laheria Sarai, P.S.- Laheria Sarai, District and Town - Darbhanga.
6. Amla Jha, Daughter of Late Navin Nath Jha, Resident of Rai Saheb Tank, Laheria Sarai, P.S.- Laheria Sarai, District and Town - Darbhanga.
7. Abha Jha, Daughter of Late Navin Nath Jha, Resident of Rai Saheb Tank, Laheria Sarai, P.S.- Laheria Sarai, District and Town - Darbhanga.
8. Vivekanand Swami, Son of Bhagirath Prasad Mandal, resident of Village - Farka, P.S.- Sabou, District- Bhagalpur.
9. Avanindra Nath Jha, Son of Late Kirtinath Jha, Resident of Village and P.O. and Police Station - Sabour, District - Bhagalpur.
10. Bidurji Jha Son of Late Kirtinath Jha, Resident of Village and P.O. and Police Station - Sabour, District - Bhagalpur.
11. Bidehji Jha, Son of Late Kirtinath Jha, Resident of Village and P.O. and Police Station - Sabour, District - Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhirendra Kumar Jha
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-11-2022

Heard learned Counsel for the petitioner.

Against the dismissal of the suit for default by the
learned Trial Court, the petitioner instead of approaching the



learned Court below for restoration of the suit, has directly preferred the present application on the ground that by order, dated 09.05.2003, on a petition filed by the mother of the petitioner, further proceedings of Title Suit No. 269 of 2005 was stayed.

Learned Counsel for the petitioner submits that the petitioner has already filed a petition for restoration of Title Suit No. 269 of 2005.

The Supreme Court, in the case of **Asian Resurfacing of Road Agency Private Limited and Another v. Central Bureau of Investigation**, reported in **(2018) 16 SCC 299**, has held that any stay granted in a civil suit shall continue for a period of six months only.

In view of the aforesaid situation, I do not find any merit in this application.

This application is, accordingly, dismissed.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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