

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.490 of 2021**

Rishi Praveen Son of Late Ajay Kumar Sinha Resident of Mohalla - Mungeri Ganj, Ward No. 32, P.O. and Police Station and District- Begusarai - 851101 (Bihar).

... .. Petitioner/s

Versus

Nutan Sinha wife of Late Ajay Kumar Sinha Resident of Mohalla - Mungeri Ganj, Begusarai, Pargana - Ballia, P.O. Sub Division and District- Begusarai.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Radha Mohan Pandey Mr. Chandra Shekhar Verma
For the Respondent/s	:	Mr.

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

ORAL ORDER

4 30-03-2022 Heard the learned counsel for the petitioner as well as the learned counsel for the respondent.

The learned trial court passed an order dated 20.07.2018, whereby the petition filed on behalf of the defendant to recall the plaintiff witness Nos. 1 and 2, was partly allowed. That order was challenged before this Court in Civil Miscellaneous Jurisdiction No. 1302 of 2018 and vide order dated 14.09.2018, the further proceeding of Title Suit No.1/2015 was stayed.

The learned trial court on the basis of the decision in *Asian Resurfacing of Road Agency Pvt. Ltd vs. Central Bureau of Investigation, (2018) 16 SCC 299* has been pleased to proceed with the title suit. The Hon'ble Supreme Court in that decision



has been pleased to hold that on expiry of six months from the date of stay order, the Trial Court shall resume proceedings unless order of extension of stay is produced.

There is nothing on the record, which shows that the order dated 14.09.2018 was extended.

The learned counsel for the respondent has submitted that the Hon'ble Supreme Court, vide order dated 02.07.2021 in Miscellaneous Application No. 890/2021, has shown anguish on Additional Chief Judicial Magistrate-III, Dehradun for non-compliance of the order in the above mentioned case.

On the basis of above mentioned observation, the impugned order in my view need not be interfered with.

Accordingly, this civil miscellaneous petition is dismissed.

The learned trial court is directed to proceed with the case immediately.

(Nawneet Kumar Pandey, J)

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