

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1749 of 2018

Marachho Devi Wife of Late Darshan Mahto, Resident of Village- Rampurwa, Tola- Kudia, Post OfficePolice Station- Jogapatti, District- West Champaran.

... .. Petitioner/s

Versus

1. Dhruw Mahto and Ors
2. Ram Kripa Mahto,
3. Tun Tun Mahto @ Praod Mahto, All are Sons of Late Bisun Mahto,
4. Mukesh Kumar,
5. Sandeep Kumar, Both are Sons of Pramod Mahto @ Tun Tun Mahto, All are resident of Village- Rampurwa, Tola- Kudia, Post OfficePolice Station- Jogapatti, District- West Champaran.
6. Bijay Prasad, S/o Dhruw Mahto,
7. Sikandar Prasad, S/o Sri Ram Kripa Prasad @ Ram Kripa Mahto, Both are resident of Village- Rampurwa, Tola- Kudia, Post OfficePolice Station- Jogapatti, District- West Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Akhileshwar Kumar Shrivastva
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 19-10-2022 Learned counsel for the petitioner submits that the petitioner is the decree holder and the learned trial court in Title Suit No. 292 / 2006 passed the decree of permanent injunction. The defendants - respondents did not appear after filing of the written statement. Accordingly, ex-parte judgment and decree was passed on 23-06-2009 / 09-07-2009. Thereafter, Misc. Case No. 31 / 2009 has been filed by the-defendants -respondents for setting aside the ex-parte decree, which is pending for the last



thirteen years. Accordingly, submission is that direction may be issued to learned Sub Judge 1st , Bettiah, West Champaran before whom the Misc. Case No. 31 / 2009 is pending to dispose the same in accordance with law within a stipulated time period.

Taking into consideration the submissions made by learned counsel for the petitioner and the fact that Misc. Case No. 31 / 2009 is pending for the last thirteen years, as such, I direct the learned Sub Judge 1st , Bettiah, West Champaran to dispose the Misc. Case No. 31 / 2009 filed by the defendants-respondents within a maximum period of six months.

It is made clear that no unnecessary adjournments shall be granted to either of the parties in this matter.

With the aforesaid observation and direction, the application stands disposed of.

(Anil Kumar Sinha, J)

praful/-

U			
---	--	--	--

