

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.166 of 2023

Moni Devi @ Moni Kumari Daughter of Late Bharat Narayan Singh,
Resident of Village and Post- Sakarpura, Ward No. 3, P.S. and District-
Madhepura.

... .. Petitioner/s

Versus

Geeta Devi Wife of Late Bharat Narayan Singh, Residence of Village and
Post- Sakarpura, P.S. and District- Madhepura, at Present Daughter of late
Tejnarayan Singh, C/o Jitendra Kumar Singh, R/Village- Panchagachhiya,
Ward No. 6, P.S.- Bihra, District- Saharsa.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Amit Anand, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 20-04-2023

Heard learned counsel for the petitioner.

Learned counsel for the petitioner submits that the
Division Bench of this Court vide order dated 02.05.2018
passed in Letters Patent Appeal No. 1191 of 2017 arising out of
Civil Writ Jurisdiction Case No. 2363 of 2017, has directed the
learned trial Court to expedite the disposal of the suit for
succession by ensuring due cooperation and participation of the
parties. He further submits that it was also directed that if the
private respondent does not cooperate in the early disposal of
the succession suit then the Court may consider stoppage of
pension which is being granted to her if the occasion arises.

Learned counsel for the petitioner further submits that
earlier on 21.11.2022, the suit for succession bearing Succession



Case No. 02 / 2017 was fixed for judgment however, the same was not pronounced. Due to death of mother of the petitioner, she has filed a petition for her transposition and that application is still pending. He prays for a direction for early disposal of the Succession Case No. 2 of 2017 pending in the Court of Sub Judge 5th, Civil Court, Madhepura.

Considering the submission of the learned counsel for the petitioner and from perusal of the aforesaid order dated 02.05.2018 passed in Letters Patent Appeal No. 1191 of 2017, it appears that the learned trial Court was directed to expedite the disposal of the said case but unfortunately, the same has not been complied with. The learned trial Court is directed to take all possible steps to expedite the disposal of the said Succession Case No. 2 of 2017 without giving unnecessary adjournment and make compliance of the order of the Division Bench of this Court as stated above.

Accordingly, this Civil Miscellaneous application is disposed of with the aforesaid directions.

(Sunil Dutta Mishra, J)

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