

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.445 of 2023

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Amit Kumar Son of Late Dwarika Prasad Resident of Mohalla-Gola Road,
Police Station- Town, District- Muzaffarpur.

... .. Petitioner/s

Versus

1. Sushant Prasad Son of Late Ramchandra Prasad Resident of Mohalla- Neem Chauk, Police Station- Kazi Mohammadpur, District Muzaffarpur.
2. Pushkar Kumar Son of Late Ramchandra Prasad Resident of Mohalla- Kali Kothi, Naka No. 4, Main Road, Police Station-Town, District- Muzaffarpur.
3. Amrendra Kumar Son of Late Shiv Chandra Prasad Resident of Mohalla- Neem Chauk, Aghoria Bazar, Police Station- Kazi Mohammadpur, District- Muzaffarpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Parasmani
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 21-09-2023 Heard the parties.

2. The petitioner has prayed for expeditious disposal of Title Suit No. 392 of 2015.

3. It has been submitted by the learned counsel for the petitioner that the petitioner is the plaintiff and the suit was fixed for judgment and the intervenor application got filed by the defendants to make the purchaser as defendant. The purchaser has bought the suit property in question during the pendency of the suit.

4. I am of the opinion that this kind of delaying tactic should not delay disposal of the title suit. A purchaser who



purchases the suit property during the pendency of the property is not a necessary and proper party.

5. This application is disposed of with a direction to the Sub-Judge, I, East Muzaffarpur, to conclude the hearing of the Title Suit and deliver the judgment within two months from the date of receipt/production of a copy of this order. The Court below is further directed to proceed *ex parte* against the non-cooperating party and submit a compliance report to this Court after disposal of the suit.

6. The suit will proceed unless there is an order of stay from the High Court. Mere filing of any application in the High Court will not result in the automatic stay of the suit.

7. With the aforesaid observations and directions, this application is allowed.

8. Let a copy of the order be communicated to the District Judge, Muzaffarpur through FAX and e-mail forthwith.

(Sandeep Kumar, J)

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