

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL REVISION No.77 of 2023

Ashok Kumar @ Ashok Kumar Sinha, aged about 45 years, Gender- Male,
Son of Late Jangbahadur Sinha, Resident of Tarachak, P.S.- Danapur, District-
Patna.

... .. Petitioner/s

Versus

1. Saryug Prasad, Son of Late Faudar Singh, Resident of Rupaspur, P.S.-
Rupaspur, District- Patna.
2. Rajendra Sinha Son of Late Faudar Singh, Resident of Rupaspur, P.S.-
Rupaspur, District- Patna.
3. Saket Grih Niram Samiti, through Secretary Smt. Prabhawati Sinha, W/o
Late Jang Bahdur Sinha
4. Prabhawati Sinha W/o Late Jang Bahdur Sinha, Resident of Tarachak, P.S.-
Danapur, District- Patna.
5. Rampati Devi W/o Late Ramsewak Sinha, Resident of Rupaspur, P.S.-
Rupaspur, District- Patna.
6. Dasrath Sinha Son of Late Ramsewak Sinha, Resident of Rupaspur, P.S.-
Rupaspur, District- Patna.
7. Vijay Sinha Resident of Rupaspur, P.S.- Rupaspur, District- Patna.
8. Chintu Singh Son of Vijay Sinha, Resident of Rupaspur, P.S.- Rupaspur,
District- Patna.
9. Pintu Singh Son of Vijay Sinha, Resident of Rupaspur, P.S.- Rupaspur,
District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Nishant Kumar Sinha, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

4 19-09-2023 Heard learned counsel for the petitioner.

2. Learned counsel for the petitioner submits that
Title Appeal No. 15 of 2007 was dismissed for non-prosecution
on 24.05.2013 by the learned A.D.J., 1st Danapur due to the
reason that the appellant was absent from several dates.
However, the said Title Appeal No. 15 of 2007 was restored to



its original number vide impugned order dated 02.03.2023. He submits that the learned Appellate Court below has allowed the said Misc. Case No. 5 of 2013 mechanically and without proper consideration of the statement of the witnesses on record. Further, he submits that the impugned order suffers from material irregularity and is liable to be dismissed.

3. He further submits that the appellant is trying to delay the disposal of the title appeal on merit and he has no interest in the disposal of this title appeal which is evident from the conduct of the appellant in the appeal and the appellate Court below may be directed to dispose of the appeal within reasonable time.

4. Having heard learned counsel for the petitioner and on perusal of the impugned order, it appears that the learned Court below has restored the appeal which was dismissed for default. The learned Court below on the basis of the evidence available on record held that it is in the interest of justice that the Title Appeal No. 15 of 2007 is liable to be restored and accordingly, restored the said title appeal vide the impugned order.

5. I find that there is no illegality in the impugned order for interference by this Court. However, the appeal is of



the year 2007 which requires early hearing. Accordingly, the learned Court below is directed to dispose of the appeal expeditiously and both the parties shall co-operate to the learned Appellate Court for early disposal of the same and no unnecessary adjournment shall be granted to any party by the learned Appellate Court below.

6. In view of the aforesaid observation and direction, this Civil Revision is disposed of.

(Sunil Dutta Mishra, J)

P. Kumar

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