

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.573 of 2022

1. Manoj Dubey @ Manoj Kumar Dubey Son of Late Radhe Shyam Dubey, Resident of Sono, P.S. - Sono, District - Jamui.
2. Prashun Dubey, Son of Late Radhe Shyam Dubey, Resident of Sono, P.S. - Sono, District - Jamui.

... .. Petitioner/s

Versus

1. Asjok Dubey, S/o Late Ramchand Dubey, Resident of Village- Dehardih, P.S. Khaira, District - Jamui.
2. Prem Kishore Dubey, S/o Late Ramchand Dubey, Resident of Village - Dehardih, P.S. - Khaira, District - Jamui.
3. Pradip Dubey, S/o Late Ramchand Dubey, Resident of Village - Dehardih, P.S. Khaira, District - Jamui.
4. Chandra Shekar Dubey, Son of Ramsaran Dubey, Resident of Village - Dehardih, P.S. - Khaira, District - Jamui.
5. Arun Dubey, Son of Ramsaran Dubey, Resident of Village - Dehardih, P.S. - Khaira, District - Jamui.
6. Saroj Dubey, Son of Ramsaran Dubey, Resident of Village - Dehardih, P.S. - Khaira, District - Jamui.
7. Binod Dubey, Son of Ramsaran Dubey, Resident of Village - Dehardih, P.S. - Khaira, District - Jamui.
8. Subodh Dubey, Son of Ramsaran Dubey, Resident of Village - Dehardih, P.S. - Khaira, District - Jamui.
9. Sudesh Dubey, Son of Ramsaran Dubey, Resident of Village - Dehardih, P.S. - Khaira, District - Jamui.
10. Niraj Dubey, Son of Ramsaran Dubey, Resident of Village - Dehardih, P.S. - Khaira, District - Jamui.
11. Ashish Dubey, son of Ramnath Dubey, Resident of Village - Dehardih, P.S. - Khaira, District - Jamui.

... .. Respondent/s



Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Pandey, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

3 21-02-2023 Heard learned counsel for the petitioner.

This Civil Miscellaneous Application is filed for quashing of the order dated 19.02.2022 passed by the learned Sub-Judge, Jamui, in T.S. No. 51/2020 whereby and where under the learned court appointed the Pleader Commissioner and extended status-quo order dated 07.08.2021 till next date.

Learned counsel for the petitioners submits that the petition under Order 39, Rule 1 and 2 CPC filed on behalf of the plaintiffs (respondent 1st set) is pending before the court below and learned court below vide order dated 07.08.2021 passed the ex-parte order for status-quo. He has further submitted that he has no objection for appointment of pleader commissioner for local inspection but is aggrieved due to non-disposal of said application under Order 39 Rule 1 and 2 CPC. He has submitted that this case may be disposed of with observation for expeditious disposal of the application under Order 39 Rule 1 and 2 filed by the respondent 1st set.

As prayed for by the learned counsel for the petitioners this case is disposed with direction to the learned trial court to



expedite the disposal of application of the respondent 1st set under Order 39 Rule 1 and 2 CPC pending before the court below.

The parties in the suit shall cooperate to the concerned court for expeditious disposal of the aforesaid application.

(Sunil Dutta Mishra, J)

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