

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.104 of 2017**

1. Uco Bank
2. The Deputy Zonal Manager, Prakash Pandey, Son of Late Indrashan Pandey
at presently posted as Deputy Zonal Manager UCO Bank, Zonal Office,
Badi Khajarpur, Post - Adampur, Police Station - Kotwali, District -
Bhagalpur, Resident of Village/Mohalla - New Mehta Colony, Post Police
Station - Muzaffarpur, District - Muzaffarpur.

... .. Petitioner/s

Versus

Smt. Sudha Mishra, Wife of Sripati Mishra resident of 10/16, Central Jail
Road, Jawaripur, Police Station - Tilkamanjhi, District - Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Sachindra Kumar Tiwary, Advocate
For the Respondent/s : Mr. Ramesh Jha, Advocate

**CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER**

5 19-06-2023 Heard learned counsel for the parties.

This Civil Miscellaneous application has been filed
for setting aside the order dated 10.02.2016 passed by learned
Sub Judge-XV in Title Eviction Suit No. 08 of 2009 whereby
and whereunder the learned Court below allowed the application
of the respondent dated 03.02.2015 and constituted three man
committee to submit report with respect to damage of suit
premises and its valuation.



During the argument, learned counsel for the petitioner submits that the petitioner is ready to repair the premises in question as per the order dated 19.05.2011 for which the learned counsel for the respondent submits that respondent is ready and accordingly, committee for valuation of damage of suit property does not require.

Learned counsel for both the parties submits that the key of the premises is deposited in the Court concerned and the petitioner will take the same from the Court after filing the appropriate application and repair work will be done in the suit premises within one month by the petitioner and thereafter will handover the premises to the respondent.

Learned counsel for both the parties further submits that since the petitioner-bank is ready for repair work of the premises in question. Accordingly, the impugned order dated 10.02.2016 be set aside on consent and the Court below may be directed to decide the suit expeditiously. Accordingly, this case may be disposed of with direction to the learned Court below.

In view of the submission of the learned counsel for the parties, on consent, due to subsequent development, the impugned order dated 10.02.2016 passed in Title Eviction Suit No. 08 of 2009 is set aside and the learned Court below is



directed to decide the suit expeditiously and both the parties are directed to co-operate each other in getting the repair work of the premises in question within one month after receiving the key of the premises from the Court concerned.

Learned counsel for the parties further submits that both the parties will co-operate the learned Court below for early disposal of the suit.

The learned Court below shall decide the suit on its merit in accordance with law, expeditiously without giving any unnecessary adjournment to any party.

This Civil Miscellaneous Application is, accordingly, disposed of.

(Sunil Dutta Mishra, J)

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