

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.977 of 2017

Mahendra Chaubey Son of Late Jag Dayal Choubey, resident of Village-
Bhanas, Police Station-Dinara O.P. Bhanas, District-Rohtas.

... .. Petitioner/s

Versus

1. Subhash Chaubey (Deleted vide order dated 04.07.2023) Son of Late Jag Dayal Choubey. Resident of Village- Bhanas, Police Station-Dinara (O.P.) Bhanas), District-Rohtas.
- 2.1. Krishna Devi Wife of Mukti Narayan Pandey, resident of Village - Kajaria, P.S. - Rajpur, District - Buxar presently residing at Mohallah - Charitarvan, College Gate Buxar, P.S. - Buxar, District- Buxar.
- 2.2. Kiran Devi, Wife of Radhey Shyam Pandey, resident of Village - Murarpur, P.S. - Itarhi, District - Buxar.
- 2.3. Renu Devi, Wife of Chitrnanjan Pandey, resident of Village - Samahuti, P.S. - Dinara, District- Rohtas.
3. Rama Shankar Chaubey, Son of Late Sheo Nandan Chaubey.
4. Rajendra Chaubay, Son of Late Sheo Nandan CHaubey, Both Resident of Village-Bhanas, Police Station-Dinara O.P. Bhanas, District-Rohtas
- 5.1. Sadhna Kuer Wife of late Tej Narayan Chaubey
- 5.2. Amresh Chaubey Son of late Tej Narayan Chaubey
- 5.3. Bimlesh Chaubey Son of late Tej Narayan Chaubey All resident of Village-Bhanas, P.O. Belwaiya, P.S. Dinaera Bhanas O.P, District- RohtasBihar.
6. Badri Narayan Choubey, Son of Late Ram Yash Chaubey. Both Resident of Village-Bhanas, Police Station-Dinara O.P. Bhanas, District-Rohtas
7. Sheo Pandey, Son of Late Jagdish Pandey.
8. Bal Mukund Pandey, Son of Late Ram Awadh Pandey
9. Brij Bihari Pandey, Son of Late Ram Awadh Pandey All Resident of Village-Nadauwa, Police Station-Natwar, District-Rohtas.
10. Dharamdeo Chaubey, Sopn of Late Ram Singasan Chaubey.
11. Brindawan Chaubey, Son of Late Radhu Chaubey.
12. Dinesh Chaubey, Son of Late Ramanuj Chaubey.
13. Aliyar Sharma, Son of Ram Prasad Sharma
14. Loknath Sharma Son of Late Ram Prasad Sharma
15. Surendra Singh, Son of Late Laljee Singh
16. Gopal Singh, Sono f Late Sudarshan Singh.
17. Mostt. Deomuni Devi, Wife of Late Kanhaiya Sah.
18. Yogendra Singh, Son of Late Baijnath Singh.
19. Virendra Singh, Sono f Late Laxman Singh
20. Ramjee Singh Son of Late Baleshwar Singh



21. Ayodhya Singh, Son of Late Hardeo Singh
22. Kashi Singh, Son of Late Hardeo Singh
23. Banarsi Singh Late Hardeo Singh.
24. Rajbansh Singh, Son of Late Sheo Bachan Singh
25. Mohram Mian, Son of Late Jabbar Mian
26. Katabu Mian, Sono f Late Jabbar Mian
27. Rafique Mian, Son of Late Jabbar Mian
28. Kedar Sah, Sono f Late Jiut Sah.
29. Rajdeo Singh, Son of Late Ramjagi Singh
30. Kameshwar Singh, Sono f Late Ramjagi Singh
31. Goga Mian Son of Sharfu Mian.
32. Idrish Mian, Son of Sharfu Mian
33. Sardar Sharma, Son of Late Kuar Sharma
34. Shri Bhagwan Sharma, Son of Late Sheodhari Sharma
35. Kamal Sharma, Son of Late Sheodhari Sharma null
36. Vilash Sharma Son of Late Sheodhari Sharma null
37. Motilal Sharma, Son of Late Sheodhari Sharma
38. Saroj Singh Sono f Late Rajdeo Singh
39. Kameshwar Singh, Son of Late Ramjagi Singh All resident of Bhanas, Police Station-Dinara O.P. Bhanas, District-Rohtas.
40. Nand Lal Singh, Son of Late Ram Chander Singh
41. Kanhaiya Singh, Son of Late Ram Chander Singh
42. Mostt. Lakho Kuer Wife of Late Ram Chander Singh All resident of Bhanas, Police Station-Dinara O.P. Bhanas, District-Rohtas.
43. Renu Devi, Wife of Chit Ranjan Pandey, Resident of Village-Samhuli, Police Statuion-Dinara, District-Rohtas
44. Kamlesh Singh, Son of Shri Jit Narayan Singh
45. Vimlesh Singh, Son of Shri Jit Narayan Singh
46. Lalita Devi Son of Shri Jit Narayan Singh All Resident of Village-Dibhiyan, Police Station-Karagahar, District-Rohtas
47. Bhola Shankar Singh, Son of Dharmnath Singh, Resident of Village-Saguna, Police Station-Danapur, District-Patna at Present Residing at Nala Road, Near Petrol Pump, Amrudin Gali, Police Station-Kadam Kuan, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Dhanendra Chaubey, Advocate.
For the Respondent/s : Mr.Ashok Kumar Pathak, Advocate.



CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

16 08-12-2023 Learned counsel for the petitioner submits that the petitioner has moved the instant petition before this Court for setting aside the order dated 16th of December, 2016, by which, the learned Sub Judge-II, Buxar, allowed the petition dated 13th of June, 2012 filed by the defendant Nos. 1 and 2 and stayed the trial of the present suit on the ground of pendency of title suit No. 509 of 2010 in the court of learned Sub Judge, Sasaram, wherein the subject matter of the formal suit and the issue raised in the Title Suit No. 340 of 2011 are substantially and directly similar. Learned counsel further submits that Title Suit No. 509 of 2010 has been dismissed in default vide order dated 2.8.2023 passed by learned Sub Judge, Bikramganj.

2. Under the circumstances, the instant Civil Misc. No.977 of 2017 has become infructuous and, hence, the same is disposed of as such.

3. At this stage, learned counsel for the petitioner submits that the court in which the Title Suit No. 340 of 2011 is pending, is lying vacant. Therefore, a direction may be issued to the learned District Judge, Buxar, to transfer the case from the vacant court to some running courts.



4. Having regard to the submission made by the learned counsel for the petitioner, the learned District Judge, Buxar, is directed to look into the matter and transfer the Title Suit No. 340 of 2011 from the vacant Court to any other running court.

(Arun Kumar Jha, J)

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