

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.982 of 2023

Rita Biswas, wife of late Shri Manoj Kumar Biswas, Resident of- Krishna Gopal Das Road, P.S and P.O- Baruiapur, Kolkata-700144.

... .. Petitioner

Versus

1. The State of Bihar through the Secretary Law, Department of Law, Government of Bihar, Old Secretariat, Patna.
2. The Secretary Law, Department of Law, Government of Bihar, Old Secretariat, Patna.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. Girish Nandan Abhishek, Advocate Ms. Nirmala Singh, Advocate Mr. Vibhuti Kumar, Advocate
For the Respondent/s	:	Mr. Prasant Pratap (GP-2) Mr. Asit Kumar Jha, A.C. to G.P.-2

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 13-10-2023 Heard learned counsel for the parties.

2. Learned counsel for the petitioner is permitted to delete the name of respondent no.3 from the array of the parties.

3. This application has been filed for a direction upon the learned Sub Judge, XIII, Patna Sadar, to conduct day-to-day hearing of Title Partition Suit No.86 of 2022 and conclude the same at the earliest.

4. The District Judge, Patna is directed to transfer the records of Title Partition Suit No. 86 of 2022 in the Court of a Sub Judge, which is available, as it has been informed that the Court of Sub Judge-XIII is vacant. Thereafter, the Sub Judge concerned shall decide the Title Partition Suit No.



86 of 2022 within one year from the date of allotment of the records of the aforesaid Suit.

5. At this stage, learned counsel for the petitioner submits that his application under Order 1 Rule 10 of the Code of Civil Procedure for adding the builder as party in the suit is pending and is not being disposed of.

6. In view of the above, the Court below is directed to decide the application filed by the petitioner for adding the builder as party in the suit within fifteen days from the date of receipt/production of a copy of this order after hearing the parties.

7. It has also been submitted by learned counsel for the petitioner that he proposes to file an injunction application but the same could not be filed as his application for adding the builder as party in the suit has not been disposed of. It has been alleged that the builder and other co-sharers are proceeding with the construction and the suit property has to be protected.

8. If an application for injunction is filed by the petitioner, the same shall be decided by the Court below within fifteen days from the date of disposal of the amendment petition.



9. The status quo, as on today, shall be maintained by the parties till the decision on the injunction application. In case, the petitioner does not file any injunction application, the order of status quo will not come into effect.

10. With the aforesaid observations and directions, this application stands disposed of.

11. Let a copy of this order be communicated to the District Judge, Patna, forthwith through FAX or e-mail for its compliance.

(Sandeep Kumar, J)

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