

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1107 of 2023

1. M/s Santosh Printing Press through its Authorized representative Santosh Kumar Jha @ Santosh Kumar, Son of Sri Bhagwan Lal Jha Resident of Village-Sangi, P.S. Phulparas, District Madhubani at Present Residing at Mohalla Kadam Kuan, P.S. Kadam Kuan, Town and District Patna.
2. Santosh Kumar Jha @ Santosh Kumar Son of Sri Bhagwan Lal Jha Resident of Village-Sangi, P.S. Phulparas, District Madhubani at Present Residing at Mohalla Kadam Kuan, P.S. Kadam Kuan, Town and District Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Collector, Patna.
2. The District Magistrate, Patna.
3. The Commissioner, Patna Division, Patna.
4. The Secretary, Department of Disaster Management, Government of Bihar.
5. The Bihar State Small Industries Corporation Ltd., through its Managing Director.
6. Union of India through the Secretary, Ministry of Home Affairs, New Delhi.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Santosh Kumar, Advocate
		Mr. Nagadeo Choubey, Advocate
For the Respondent/s	:	Mr. Vikash Kumar (Sc11)

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

- 2 10-11-2023 1. This application has been filed for early disposal of Title Suit No. 5743 of 2014 filed by the petitioner for declaration that the plaintiffs have supplied flood relief materials for the value of Rs. 30, 97, 08, 762/- which is pending before the court of Sub-Judge-XIII, Patna.
2. The contention of the learned counsel for the petitioner is that despite the order of the Division Bench of this Court passed in C.W.J.C. No. 24085 of 2018 dated 01.02.2023,



the suit has not proceeded.

3. Learned counsel for the petitioner Shri Santosh Kumar submits that though the order was passed on 01.02.2023 but the case has not moved any further and issues has not been framed and the interlocutory applications have not been disposed of.

4. Mr. Santosh Kumar, learned counsel for the petitioner relies upon the recent judgment of the Hon'ble Supreme Court in the case of *Yashpal Jain vs Sushila Devi and Ors.* reported in **2023 SCC OnLine SC 1377** and has submitted that directions passed by Hon'ble Supreme Court should be adhered to by the Sub Judge and the case should be disposed of within time framed as has been observed by the Division Bench of this Court.

5. The Sub-Judge-IV, Patna is directed to dispose of all the interim applications in this case within one month of communication of a copy of this order, thereafter, the Sub-Judge-IV, Patna will proceed to frame issues and proceed to decide the suit as directed by the Division Bench of this Court.

6. In case, the directions of the Division Bench and this Court are not followed, appropriate proceeding shall be initiated against the Sub-Judge who is hearing the suit.



7. With the aforesaid observation and direction, this application is disposed of.

8. The Sub-Judge concerned will file a compliance report to this court on or before 23rd February 2024. In case, the Sub-Judge concerned is unable to dispose of the suit within the time fixed, then he will have to explain his conduct. If required, the Sub-Judge will proceed in the matter on day to day basis without granting any unnecessary adjournment to either of the parties.

9. The State of Bihar is directed to cooperate in the matter. The Sub Judge will proceed against the non-cooperative party.

(Sandeep Kumar, J)

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