

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1660 of 2018

1. Parmeshwari Devi, W/o Late Kishundeo Chaudhary @ Late Krishan Chaudhary, resident of Village- Raghapur, P.O.- Mustafapur, P.S.- Meenapur, District- Muzaffarpur.
2. Sukdeo Chaudhary, S/o Late Kishundeo Chaudhary @ Late Krishan Chaudhary, resident of Village- Raghapur, P.O.- Mustafapur, P.S.- Meenapur, District- Muzaffarpur.

... .. Petitioner/s

Versus

Kailash Prasad, S/o Late Ramlochan Prasad, resident of Village- Raghapur, P.O.- Mustafapur, P.S.- Meenapur, District- Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Dubey, Advocate
For the Respondent/s : Mr. Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

6 20-06-2023 Heard learned counsel for the parties.

This Civil Miscellaneous application has been filed against the order dated 20.11.2017 passed by Execution Munsif, Muzaffarpur in Title Suit No. 168 of 2003 by which he has allowed the petition dated 13.06.2016 as filed on behalf of plaintiff / respondent under Order 6 Rule 17 of the Code of Civil Procedure.

At this stage, learned counsel for the respondent submits that the respondent / plaintiff will not lead any further evidence in the aforesaid suit and also submits that the State of Bihar is not the necessary party but is impleaded only as formal party in the suit and no relief has been claimed against the State



of Bihar.

Learned counsel for the petitioners submits that this Miscellaneous Application may be disposed of if the respondent / plaintiff will not lead any further evidence in the trial and if the State of Bihar be treated as the formal party against whom no relief has been claimed.

Learned counsel for both the parties submits that this case may be disposed of in view of the aforesaid statement given by the learned counsel for the respondent.

Accordingly, on consent, this Civil Miscellaneous application is disposed of.

Learned trial Court is directed to dispose of the suit expeditiously and both the parties shall co-operate the trial Court in expeditious disposal of the suit.

(Sunil Dutta Mishra, J)

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