

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1690 of 2018

1. Bijay Kumar.
2. Brajesh Kumar.
3. Binoy Kumar. All Sons of Late Kashi Nath Ram @ Kashi Nath Singh All Resident of Khuthan, P.O.-Khuthan, P.S.-Tarari, at Present Imadpur, District Bhojpur. No.2 at Present resident of Janki Path, Plot No.407, East of Homeo Path College, East Ram Krishna Nagar, Sampat Chak, P.S.-Ram Krishna Nagar, District-Patna.

... .. Petitioner/s

Versus

Suraj Prasad Yadav Son of Hari Kishun Yadav, Resident of Khuthan, P.I.-Khsuthan, P.S.-Tarari, at Present Imadpur, District-Bhojpur, PIN-802222.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Anish Chandra Sinha
		Mr. Krishna Murari Rawt
For the Respondent/s	:	Mr. Munna Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

5 11-09-2023 Heard the parties.

2. This application has been filed on behalf of the petitioners for quashing the order dated 05.06.2018 passed by the learned Munsif, Piro, Bhojpur in Title Suit No. 23 of 2008.

3. By the impugned order, the Court below has directed for measurement of plot No. 369 as the plot Nos. 368 and 370 were measured earlier.

4. In course of argument, both the learned counsels have agreed that it will be in the interest of justice to get measured all the three plots i.e. 368, 369 and 370 by the Survey Knowing Advocate Commissioner instead of measuring only plot No. 368 and 370.



5. In view of the above, the impugned order is modified to the extent that the Survey Knowing Advocate Commissioner will measure plot Nos. 368, 369 and 370 and file his report within two months from the date of receipt/communication of a copy of this order.

6. After the report of Survey Knowing Advocate Commissioner is filed, the Suit will proceed and the same shall be decided within a year without giving unnecessary adjournment to any party.

7. The parties are directed to cooperate in the expeditious disposal of the Suit and the learned Judge will be at liberty to proceed against the non-cooperating party and decide the suit *ex-parte*.

8. With the aforesaid directions, this petition is disposed of.

(Sandeep Kumar, J)

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