

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.40 of 2023

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Lalan Singh Yadav @ Lalan Yadav S/o Late Ramdhari Singh Yadav, Resident of Village and Post- Kaithi, P.S.- Bagen Gola, District- Buxar, Pin Code- 802134, Bihar.

... .. Petitioner/s

Versus

1. Ram Chandra Yadav Son of Late Ramdhari Yadav, Resident of Village and Post- Kaithi, P.S.- Bagen Gola District- Buxar.
2. Ram Raj Yadav Son of Late Ramdhari Yadav, Resident of Village and Post- Kaithi, P.S.- Bagen Gola District- Buxar.
3. Dulhin Mandipia Devi W/o Sri Ram Chandra Yadav, Resident of Village and Post- Kaithi P.S.- Bagen Gola, District- Buxar.
4. Dulhin Ram Ratia Devi W/o Sri Ram Raj Yadav, Resident of Village and Post- Kaithi P.S.- Bagen Gola, District- Buxar.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Purushottam Narayan Mishra, Advocate Mr. Sunil Pathak, Advocate
For the Respondent/s	:	Mr. Ramchandra Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

6 08-07-2024 Heard learned counsel for the petitioner as well as learned counsel for the respondents and I intend to dispose of the present petition at the stage of admission itself.

02. The present petition has been filed by the petitioner under Article 227 of the Constitution of India for setting aside the order dated 20.10.2022 passed in Title Appeal No. 74 of 2019 by the learned Additional District Judge-IV, Buxar whereby and whereunder the learned first appellate court has stayed the operation of the judgment and decree dated 05.11.2019 passed in Title Partition Suit No. 158 of 2006.



03. Learned counsel for the petitioner submits that the impugned order has been passed in mechanical manner. The learned first appellate court, without discussing the material available before it, has stayed the proceeding only by stating that 'considering all facts and circumstances of the case it is ordered that operation of judgment and decree dated 05.11.2019 passed by court of Sub Judge-I, Dumrao (Buxar) is hereby stayed till final disposal of the present Title Appeal No. 74/2019'.

04. Since the petitioner is aggrieved by the order staying the operation of the judgment and decree of the learned trial court in title appeal, without further going into the merits of the case, I think it appropriate to direct the learned first appellate court to dispose of the title appeal within stipulated time since it is an appeal of the year 2019 and stay would be operative till the final disposal of the title appeal.

05. The expeditious disposal is in the interest of parties as well as general public. Therefore, the learned first appellate court is directed to disposal of Title Appeal No. 74 of 2019 pending before it within a month from the date of receipt/production of a copy of this order.

06. With the aforesaid observation, the present



petition stands disposed of.

07. The office is directed to communicate this order to
the court concerned immediately.

(Arun Kumar Jha, J)

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