

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.77 of 2024

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Mrituanjay Kumar S/o Late Ashok Kumar Das R/o Gautam Buddha Colony,
Tikamanghi, Bhagalpur.

... .. Petitioner/s

Versus

1. Ram Kumar Das S/o Late Bibhuti Bhusan Prasad R/o Gautam Buddha Colony P.O.-Tilkamanghi P.S.-Tilkamanghi Bhagalpur.
2. Arun Prasad S/o Narsingh Yadav Resident at Mohalla-Sahebganj Police Station-Kotwali, Bhagalpur.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Singh, Advocate
		Mr. Surendra Kumar Mishra, Advocate
For the Respondent/s	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 23-07-2024 The matter has been taken up on mentioning being made on behalf of the petitioner.

2. Learned counsel for the petitioner submits that due to inadvertence State of Bihar through the Law Secretary, Bihar, Patna and Civil Court Bhagalpur through the Registrar have been made parties in this case and seeks permission to amend the cause title in course of the day.

3. Learned counsel for the petitioner is directed to amend the cause title by deleting the names of respondent Nos. 1 and 2 from the record.

4. Office is directed to take steps in this regard.



5. The instant petition has been filed under Article 227 of the Constitution of India seeking direction to the court of learned Sub-Judge XIV, Bhagalpur for early disposal of Misc. Case No. 08 of 2005, arising out of Title (Partition) Suit No. 207 of 1998 filed by respondent No.3.

6. Learned counsel for the petitioner submits that Title (Partition) Suit No. 207 of 1998 was dismissed for non-payment of deficit court fees in the year 2002 and thereafter, the plaintiff, respondent No.3 herein, filed a Miscellaneous Case for restoration of Title (Partition) Suit No.207 of 1998. The petitioner is one of the respondents in the said Miscellaneous Case. Learned counsel further submits that about 20 years have elapsed still Miscellaneous Case No. 08 of 2005 is pending and appropriate order may be passed directing learned Sub Judge-XIV, Bhagalpur to dispose of the Misc. Case within a stipulated period.

7. Since the limited prayer of the petitioner is for expeditious disposal of Misc. Case No. 08 of 2005, I do not think there is any need to issue notice to the respondents.

8. Having regard to the facts and circumstances, learned Sub Judge-XIV, Bhagalpur is directed to dispose of Misc. Case No. 08 of 2005 within three months from the date of



receipt/production of a copy of this order. Further, the learned trial court is further directed to proceed in such matters showing urgency as it reflects very poorly on the conduct of the business by the learned trial court.

9. With the aforesaid direction, the petition stands disposed of.

(Arun Kumar Jha, J)

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