

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.782 of 2017

1. Vishwanath Pandey, son of Late Jugeshwar Pandey,
2. Ram Kumar Pandey, Son of Late Jugeshwar Pandey
3. Awdhesh Kumar Pandey, son of Late Jugeshwar Pandey
4. Jagarnath Pandey, Son of Late Janeshwar Pandey
All Residents of Village-Pokhata P.S. Obra, P.O. Kaithi, Dist-Aurangabad.

... .. Petitioner/s

Versus

1. Draupati Kumar, W/o Late Vaijnath Mishir D/o Uditt Narayan Pandey
2. Sidhnath Pandey
3. Ishanath Pandey
4. Amarnath Pandey
All Resident of Village Pokhata, P.S.-Obra, P.O.-Krithi, Dist- Aurangabad.
5. Smt. Munjeshwari Devi, W/o Ram Sewak Singh, Vill-Pokhata Tola, Bandhu Bigha.
6. Satrughan Pandey S/o Harkha Deo Pandey R/o Vill-Pokhta, P.S.-Obra, P.O.- Kaitha, Dist-Aurangabad.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Harendra Kumar Singh, Advocate
For the Respondents 3 & 4	:	Mr.Nityanand Mishra, Advocate Mr. Alok Abhinav, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 14-05-2024 Present Mr. Harendra Kumar Singh, learned counsel

for the petitioners and Mr. Nityanand Mishra, learned counsel

for the respondent nos. 3 & 4.

2. Today, the case has been listed under the heading

‘For Orders on Petition’.

3. The learned counsel for the respondent nos. 3 & 4

submits that respondent no. 2 died during pendency of the

present petition, but no substitution petition has been filed for



substitution of his legal heirs/representatives. The learned counsel further submits that the order dated 22.02.2017 passed in Title Suit No. 361 of 2013 by the learned Sub Judge-III, Aurangabad has been challenged in the present civil miscellaneous petition. However, Title Suit No. 361 of 2012 has been dismissed by the learned trial court vide order dated 04.08.2023 and hence, the present matter has become infructuous.

4. On the other hand, the learned counsel for the petitioners submits that steps are being taken for restoration of Title Suit No.361 of 2012.

5. Perused the record.

6. It is very unfortunate that the learned counsel for the petitioners have not brought correct picture before this Court despite several orders. Vide order dated 02.01.2024, learned counsel for the petitioners was directed to apprise this Court about the then status of the case before the learned trial court and, thereafter, the matter has been listed twice and learned counsel for the petitioners appeared but did not say a word about the dismissal of the aforesaid title suit, which reflects very poorly on the conduct of the learned counsel for the petitioners.

7. Be that as it may, the instant petition is dismissed as



having become infructuous.

8. All pending applications stand disposed of.

(Arun Kumar Jha, J)

V.K.Pandey/-

U			
---	--	--	--

