

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.102 of 2024

Umesh Singh Son of Kapildeo Singh Resident of Village and P.O. Jamalpur, P.S. Athmalgola, District-Patna, at Present residing at Shivpuri near Gas Godwon Nala Par, P.O. and P.S. Shashtri Nagar, District-Patna.

... .. Petitioner/s

Versus

1. Punam Devi Wife of Sri Ranjit Singh, Resident of Village and P.O. Jamalpur, P.S. Athmalgola, District-Patna,
2. Laxmi Narayan @ Ritesh Kumar Son of Sri Ranjit Singh Resident of Village and P.O. Jamalpur, P.S. Athmalgola, District-Patna,
3. Ram Narayan @ Nitesh Kumar @ Bittu Minor Son of Sri Ranjit Singh Under the Guardianship of his Mother, Punam Devi Resident of Village and P.O. Jamalpur, P.S. Athmalgola, District-Patna,
4. Priyanka Kumari Daughter of Sri Ranjit Singh Resident of Village and P.O. Jamalpur, P.S. Athmalgola, District-Patna,
5. Umesh Prasad Singh Son of Late Rampadarath Singh Resident of Village and P.O. Jamalpur, P.S. Athmalgola, District-Patna, at Present Biscoman Bhawan 2nd Floor Sale Tax Department Patna.
6. Rishabh Kumar @ Chunnu Son of Umesh Prasad Singh Resident of Village and P.O. Jamalpur, P.S. Athmalgola, District-Patna, at Present Biscoman Bhawan 2nd Floor Sale Tax Department Patna.
7. Navnit Kumar @ Pankaj Kumar Son of Umesh Prasad Singh Resident of Village and P.O. Jamalpur, P.S. Athmalgola, District-Patna, at Present Biscoman Bhawan 2nd Floor Sale Tax Department Patna.
8. Renu Devi Wife of Sri Lalan Prasad Singh and Daughter of Late Rampadarath Singh Resident of Village-Sabikpur, P.S., P.O. and Lakhisarai.
9. Ranjit Singh Son of Late Rampadarath Singh Resident of Village and P.O. Jamalpur, P.S. Athmalgola, District-Patna,

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shashi Shekhar Dwivedi, Sr. Advocate Mr. Parth Gaurav, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 15-03-2024

Heard learned senior counsel, Mr. Shashi Shekhar
Dwivedi, appearing on behalf of the petitioner.



02. The petitioner has filed the instant petition seeking direction to the learned 4th Subordinate Judge, Barh, Patna to take up the hearing of the suit, namely, Title Suit No. 33 of 2015 in right earnest and to dispose it of by day to day hearing.

03. Learned senior counsel appearing on behalf of the petitioner submits that the suit before the learned trial court was filed in the year 2015 and thereafter the matter dragged on till 2019 for service of the defendants and finally the case was posted for framing of issues on 03.09.2019. The petitioner is defendant-3rd set and the plaintiffs and other defendants want to linger on the matter and do not want the early disposal of the suit. The plaintiffs and other defendants are in cohort and they are went upon dragging the matter. The petitioner is a 72 years old person and he has been made to suffer due to designs of the plaintiffs/other defendants. Learned senior counsel further submits that the entire order-sheets of the learned court below have been annexed, which go on to show how the matter is being adjourned before the learned court below on one pretext or other. Learned senior counsel relied on the decision of the Hon'ble Apex Court in the case of ***Yashpal Jain Vs. Sushila Devi and Ors.***, reported in ***2023 SCC OnLine SC 1377*** wherein, the Hon'ble Supreme Court considering the plight of the



litigants in the civil suits, issued certain guidelines for all courts of the country for expeditious disposal of the civil suits.

04. Perused the record.

05. The position of the litigants before the civil courts leave much to desire. No doubt, the courts are overburdened including civil courts. But that could not be any reason to grant unnecessary adjournments and the Courts must be on alert against evil designs of unscrupulous litigants who use the process of law and the proceedings before the civil courts to their undue advantage. The observation of the Hon'ble Supreme Court in the case of ***Yashpal Jain*** (supra) becomes quite relevant in the present circumstances. In the said decision, the Hon'ble Supreme Court in Para-1 held as under:-

“1. Even after 41 years, the parties to this lis are still groping in the dark and litigating as to who should be brought on record as legal representative of the sole plaintiff Mrs. Urmila Devi (hereinafter referred to as ‘Urmila Devi’ for the sake of brevity). This is a classic case and a mirror to the fact that litigant public may become disillusioned with judicial processes due to inordinate delay in the legal proceedings, not reaching its logical end, and moving at a snail's pace due to dilatory tactics adopted by one or the other party. The said suit, OS No. 2 of 1982, was instituted for the relief to declare the sale deed, executed by Shri Mangal Singh (hereinafter referred to as ‘first defendant’ for the sake of convenience) in favour of



defendants No. 4 to 32 in respect of the suit properties described in the plaints schedule as item No. 1 to 8, to be null and void by claiming to be the owner of the said properties; and for a decree of possession of the suit properties with costs.”

Thereafter, in Paragraph-47, the Hon’ble Supreme Court issued the following directions:-

47. The following directions are issued:

- i. All courts at district and taluka levels shall ensure proper execution of the summons and in a time bound manner as prescribed under Order V Rule (2) of CPC and same shall be monitored by Principal District Judges and after collating the statistics they shall forward the same to be placed before the committee constituted by the High Court for its consideration and monitoring.*
- ii. All courts at District and Taluka level shall ensure that written statement is filed within the prescribed limit namely as prescribed under Order VIII Rule 1 and preferably within 30 days and to assign reasons in writing as to why the time limit is being extended beyond 30 days as indicated under proviso to sub-Rule (1) of Order VIII of CPC.*
- iii. All courts at Districts and Talukas shall ensure after the pleadings are complete, the parties should be called upon to appear on the day fixed as indicated in Order X and record the admissions and denials and the court shall direct the parties to the suit to opt for either mode of the settlement outside the court as specified in sub-Section (1) of Section 89 and at the option of the parties shall fix the date of appearance before such forum or authority and in the event of the parties opting to any*



one of the modes of settlement directions be issued to appear on the date, time and venue fixed and the parties shall so appear before such authority/forum without any further notice at such designated place and time and it shall also be made clear in the reference order that trial is fixed beyond the period of two months making it clear that in the event of ADR not being fruitful, the trial would commence on the next day so fixed and would proceed on day-to-day basis.

- iv. In the event of the party's failure to opt for ADR namely resolution of dispute as prescribed under Section 89(1) the court should frame the issues for its determination within one week preferably, in the open court.*
- v. Fixing of the date of trial shall be in consultation with the learned advocates appearing for the parties to enable them to adjust their calendar. Once the date of trial is fixed, the trial should proceed accordingly to the extent possible, on day-to-day basis.*
- vi. Learned trial judges of District and Taluka Courts shall as far as possible maintain the diary for ensuring that only such number of cases as can be handled on any given day for trial and complete the recording of evidence so as to avoid overcrowding of the cases and as a sequence of it would result in adjournment being sought and thereby preventing any inconvenience being caused to the stakeholders.*
- vii. The counsels representing the parties may be enlightened of the provisions of Order XI and Order XII so as to narrow down the scope of dispute and it would be also the onerous responsibility of the Bar Associations and Bar Councils to have periodical refresher courses and preferably by virtual mode.*
- viii. The trial courts shall scrupulously,*



meticulously and without fail comply with the provisions of Rule 1 of Order XVII and once the trial has commenced it shall be proceeded from day to day as contemplated under the proviso to Rule (2).

- ix. The courts shall give meaningful effect to the provisions for payment of cost for ensuring that no adjournment is sought for procrastination of the litigation and the opposite party is suitably compensated in the event of such adjournment is being granted.*
- x. At conclusion of trial the oral arguments shall be heard immediately and continuously and judgment be pronounced within the period stipulated under Order XX of CPC.*
- xi. The statistics relating to the cases pending in each court beyond 5 years shall be forwarded by every presiding officer to the Principal District Judge once in a month who (Principal District Judge/District Judge) shall collate the same and forward it to the review committee constituted by the respective High Courts for enabling it to take further steps.*
- xii. The Committee so constituted by the Hon'ble Chief Justice of the respective States shall meet at least once in two months and direct such corrective measures to be taken by concerned court as deemed fit and shall also monitor the old cases (preferably which are pending for more than 05 years) constantly.*

06. The right to speedy trial cannot be denied to the litigants, whether they are plaintiffs or defendants. Perusal of order-sheet of the learned trial court shows the adjournments have been granted at the drop of hat. This situation is not conducive for sound health of the judicial system. Since the



only prayer of the petitioner is for expeditious disposal of the suit before the learned trial court, I do not think there is any need to issue notice to the other-side and the matter could be disposed of straightaway. Hence, the learned trial court is directed to expedite the trial and conclude the same within a period of one year from the date of receipt/production of a copy of this order.

07. Accordingly, the present petition stands disposed of with the aforesaid observation.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	20-03-2024
Transmission Date	NA

