

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1349 of 2017

=====

Kaulesh Singh, son of Late Ram Vilash Singh, Resident of Village-
Masnadpur, P.S.- Shahjahanpur, District- Patna.

... .. Petitioner/s

Versus

1. Bishundeo Paswan, son of Late Rajkumar Paswan.
2. Diplal Paswan, son of Late Kali Paswan.
3. Ayodhya Paswan, son of Late Yadu Paswan.
4. Awadhesh Paswan @ Manoj Paswan, son of Late Baleshwar Paswan.
5. Upendra Paswan, son of Late Balesh Paswan.
6. Ram Bali Paswan, son of Late Kali Paswan, All resident of Village-
Noorichak, P.O.- Asharafpur, P.S.- Shahjahanpur, District- Patna.
7. Satyendra Prasad Singh,
8. Anil Singh @ Devendra Kumar Singh, Both sons of Parmanand Singh,
Resident of Mauza- Hasanpur, P.O. and P.S.- Shahjahanpur.
9. Vijay Kumar, son of Rajendra Singh, resident of Mauza, P.O. and P.S.-
Daniyawan, Distt- Patna.
10. Chandra Bhushan Singh, son of Ram Narayan Singh, resident of Mauza-
Chaurasi, P.O. and P.S.- Karai Parsurai, District- Nalanda.
11. Mostt. Maro Devi, wife of Late Deonandan Paswan,
12. Sudhir Paswan, son of Sri Besar Paswan, Both resident of Village- Hurai,
P.O. and P.S.- Karai Parsurai, District- Nalanda.
13. Rambilash Paswan, son of Late Kali Paswan,
14. Mahesh Paswan, son of Ayodhya Paswan, Both resident of Mauza Hasanpur,
P.O. and P.S.- Shahjahanpur, District- Patna.
15. Jitendra Singh @ Rajesh Kumar Singh, son of Permanand Singh, Mauza
Hasanpur, P.O. and P.S.- Shahjahanpur, District- Patna.
16. Smt. Sushila Devi, wife of Chandra Bhushan Singh, Resident of Village-
Chaurasi, P.O. and P.S.- Karaiparsurai, Distt- Nalanda.
17. Binod Singh, son of Late Shyam Narain Singh,
18. Fuleshwar Singh, son of Late Mahendra Singh, Both resident of Village-
Hasanpur, P.O. and P.S.- Shahjahanpur, District- Patna.

... .. Respondent/s

=====

Appearance :



For the Petitioner/s : Mr. Binod Bihari Sinha, Advocate
Mr. Anirudh Prasad Sinha, Advocate
Mr. Ajay Dutt Mishra, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 28-03-2024 Heard learned counsel for the petitioner on the point of admission and I intend to dispose of the present petition at the stage of admission itself.

02. The petitioner has filed the instant petition seeking direction to the learned Subordinate Judge, 1st Patna City to take up the hearing of the suit, namely, Title Suit No. 269 of 2015/ Title Suit No. 536 of 2015 in right earnest and to dispose of it.

03. Learned counsel appearing on behalf of the petitioner submits that the petitioner has come before this Court with simple prayer for expeditious disposal of the title suit pending before the learned Sub Judge. The suit before the learned trial court was filed in the year 2015 and thereafter the matter has been coming up at the stage of evidence since 2019. Learned counsel further submits that due to delay in disposal of the suit, the petitioner is losing his hope that the suit would be decided in his lifetime. Thus, the learned counsel submits that the learned trial court be directed to hear the matter without giving unnecessary adjournments and dispose of the suit as early as possible.



04. 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 Vs. Sushila Devi and Ors.***, reported in ***2023 SCC OnLine SC 1377*** becomes quite apposite in the present circumstances. In the said decision, the Hon'ble Supreme Court in Para-1 has observed 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 complaints 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.*

05. The right to speedy trial cannot be denied to the litigants, whether they are plaintiffs or defendants. Since it is a matter of 2015 and in the interest of litigants as well as a matter of public policy, it is very much needed that such civil suits are taken up and disposed of with promptitude. The only prayer of the petitioner is for expeditious disposal of the suit pending before the learned trial court, I do not think there is any need to issue notice to the other-side and the present matter could be disposed of straightaway.



06. Under the aforesaid facts and circumstances, the learned trial court is directed to dispose of the Title Suit No. 269 of 2015/ Title Suit No. 536 of 2015 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)

balmukund/-

U			
---	--	--	--

