

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.210 of 2024

Smt Rita Sinha Wife of Ramesh Chandra Sinha, resident of 401, Shiv Anil Apartment Kasturba Path, North Sri Krishna Puri, P.S.-S.K. Puri, District-Patna.

... .. Petitioner/s

Versus

1. Pradeep Kumar Sinha son of Late Shiv Nandan Prasad Sinha, resident of Shiv Sadan House No. 23, Anandpuri, West Boring Canal Road, P.S.-S.K. Puri, District-Patna.
2. Sanjay Sinha, son of Late Shiv Nandan Prasad Sinha, resident of Shiv Sadan House No. 23, Anandpuri, West Boring Canal Road, P.S.-S.K. Puri, District-Patna.
3. Praveen Sinha, resident of Flat No. 401, 402, Shiv Jishnu Enclave, Road No. 2 (A), Anandpur, West Boring Canal Road, P.S.-S.K. Puri, District-Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ujjwal Kumar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 25-06-2024

The matter has been taken up on mentioning being made on behalf of the petitioner.

02. Heard the 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.

03. The petitioner has filed the instant petition under Article 227 of the Constitution of India for issuance of direction to the learned Sub Judge-X, Patna to dispose of the injunction petition dated 13.10.2017 filed on behalf of petitioner in Title Suit No. 269 of 2017.



04. Learned counsel for the petitioner submits that petitioner/plaintiff has filed Title Partition Suit No. 269 of 2017 against the respondents. Since the respondents have been selling part of the suit property, an injunction application has been filed on 13.10.2017 and subsequently, supplementary injunction petition has been filed on 29.10.2018 before the learned trial court with a prayer to restrain the defendants from transferring or alienating the Schedule-2 series property of the plaint. However, till date the said applications have not been disposed of and the respondents have continued to alienate the property whereas the endeavour of the learned trial court should have been with regard to preservation of the subject matter of the suit. Learned counsel further submits that the petitioner has come before this Court with a prayer to issue direction to the learned Sub Judge-X, Patna to dispose of the injunction applications at the earliest.

05. Since the petitioner has come with only prayer for expeditious disposal of injunction application pending before the learned trial court, I do not think there is any need to issue notice to the other-side/respondents and the present matter could be disposed of straightaway.

06. It is very unfortunate that an injunction petition has been



pending for last about 07 years when it is expected that during this period, the original suit should have been disposed of. In any case, the learned trial court is directed to take up the injunction application for disposal and dispose of the same within a month from the date of receipt/production of a copy of this order. Further, the learned trial court is directed to take up the original suit pending before it and make endeavour to dispose of the same within a year from the date of receipt/production of a copy of this order, considering the fact that original plaintiff is a lady, who is aged about 70 years.

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	26.06.2024
Transmission Date	NA

