

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.222 of 2024

Md Aasif Imtiyaz Khan Son of Late Md. Imityaz Khan, Resident of Mohalla-Bhikhanpur, Gumiti No. 3, P.s.-Ishakchak, District-Bhagalpur.

... .. Petitioner/s

Versus

1. Shamina Khanam W/o Md. Shahbaz Ali, daughter of Late Md. Iliyas Khan, Resident of Mohalla-Bhikhanpur, Gumiti No. 3, P.s.-Ishakchak, District-Bhagalpur.
2. Naseema Khatoon W/o Md. Shahid Khan, daughter of Late Md. Iliyas Khan, Resident of Mohalla-Bhikhanpur, Gumiti No. 3, P.s.-Ishakchak, District-Bhagalpur.
3. Shahnawaz Khan, Son of Late Md. Iliyas Khan, Resident of Mohalla-Bhikhanpur, Gumiti No. 3, P.s.-Ishakchak, District-Bhagalpur.
4. Sameruddin Khan, son of Late Rashida Khatoon, D/o Late Ashraf Khan, Resident of Mohalla-Bhikhanpur, Gumiti No. 3, P.s.-Ishakchak, District-Bhagalpur.
5. Bibi Tuntun, daughter of Late Rashida Khatoon, D/o Late Ashraf Khan, Resident of Mohalla-Bhikhanpur, Gumiti No. 3, P.s.-Ishakchak, District-Bhagalpur.
6. Md. Najam, Son of Late Shaheda, D/o Late Ashraf Khan, Resident of Mohalla-Bhikhanpur, Gumiti No. 3, P.s.-Ishakchak, District-Bhagalpur.
7. Bibi Soraiya, Daughter of Late Shaheda, D/o Late Ashraf Khan, Resident of Mohalla-Bhikhanpur, Gumiti No. 3, P.s.-Ishakchak, District-Bhagalpur.
8. Md. Faisal Bakht @ Guddu Japan, Son of Late Abdus Sami, Resident of Mohalla-Bhikhanpur, Gumiti No. 3, Tank Lane, P.s.-Ishakchak, District-Bhagalpur.
9. Firozya Khanam, wife of Late Md. Imtiyaz Resident of Mohalla-Bhikhanpur, Gumiti No. 3, P.s.-Ishakchak, District-Bhagalpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Natraj Verma, Advocate
		Mr. Sachina, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 25-04-2024 The matter has been taken up on mentioning being
made on behalf of the petitioner.



2. Heard learned counsel for the petitioner.

3. The instant petition has been filed under Article 227 of the Constitution of India for issuance of an appropriate direction to the court of learned Sub-Judge V, Bhagalpur for disposal of injunction petition dated 20.10.2020 filed under Order 39 Rule 1 and 2 of the Code of Civil Procedure by the plaintiffs in Title Suit No. 313 of 2020 and also for a direction to the parties to maintain status quo till disposal of the injunction petition.

4. Learned counsel for the petitioner submits that the petitioner is plaintiff before the learned trial court and along with plaint, an injunction petition was also filed on 20.10.2020. The parties were heard on various dates on the injunction petition but no order was passed. Thereafter, the suit was transferred from the court of learned Sub Judge-I to the court of learned Sub Judge-V, Bhagalpur which was vacant. Thereafter, the injunction petition of the plaintiff/petitioner has been kept pending without any order.

5. Since the petitioner has come before this Court for early disposal of injunction petition filed in Title Suit No. 313 of 2020, I find that there is no need to issue notice to the respondents.



6. It is really unfortunate that injunction petition has been kept pending for such long period and no order has been passed even after hearing. It is in the interest of the parties that the injunction petition be disposed of as early as possible.

7. In view of the facts and circumstances of the case, learned Sub-Judge V, Bhagalpur is directed to take up the injunction petition for hearing on urgent basis and dispose of the same with a month from the date of receipt/production of a copy of this matter. If the court is lying vacant, the learned District Judge, Bhagalpur is directed to transfer the case to a running court.

8. With the aforesaid directions, the present petition stands disposed of.

(Arun Kumar Jha, J)

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