

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.362 of 2023

1. Yogendra Sinha, son of Late Nandipat Singh, Resident of Village-Narsinghpur, P.S.-Mushari, District-Muzaffarpur.
2. Pallav Kumar, son of Shri Yogendra Sinha, Resident of Village-Narsinghpur, P.S.-Mushari, District-Muzaffarpur.
3. Sourbah Kumar Chandan, son of Shri Yogendra Sinha, Resident of Village-Narsinghpur, P.S.-Mushari, District-Muzaffarpur.

... .. Petitioner/s

Versus

1. Chandra Bhushan Singh S/o Late Ramautar Singh, Resident of Village-Prahaledpur, P.S.-Mushahari, District-Muzaffarpur.
2. Vijay Bhushan @ Vijay Singh, S/o Late Ramautar Singh, Resident of Village-Prahaledpur, P.S.-Mushahari, District-Muzaffarpur.
3. Smt. Indira Sinha, Widow of Late Ramchandra Pd. Singh, Resident of Village-Prahladpur, P.S.-Mushahari, District-Muzaffarpur.
4. Uday Kumar, S/o Late Ramdeo Thakur, Resident of Village-Prahladpur, P.S.-Mushahari, District-Muzaffarpur.
5. Smt. Sarita Devi, W/o Raghavendra, Resident of Village-Bhgnati, Sakara, District-Muzaffarpur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Yogendra Mishra, Sr. Advocate Ms. Swati Mishra, Advocate
For the Respondent/s	:	Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 03-01-2024

Heard learned senior counsel appearing on behalf of
the petitioners.

2. The instant petition has been filed seeking
following reliefs :

- “i. Commanding the Sub-Judge IXth Court, Muzaffarpur East to hear and dispose of Partition Suit No.352 of 2000 within a time frame be issued.*
- ii. An appropriate Writ/ order/ direction commanding the learned Sub judge IXth Court,*



Muzaffarpur East to dispose of the petitions marked as Annexure (1), (2) and (3) within a time frame be issued.

iii. Any other relief to which the petitioners are found entitled to, be issued”.

3. At the very outset, learned senior counsel appearing on behalf of the petitioners submits that the petitioners have filed Partition Suit No. 352 of 2000 before the learned court below in which three petitions, i.e., the petition dated 04.01.2022 for taking steps for hearing of the suit, the petition dated 04.01.2022 for appointment of Receiver and the petition dated 04.01.2022 for injunction under Order 39 Rule 1 & 2 read with Section 151 of the Code of Civil Procedure have been filed, but the said petitions are still pending. The learned senior counsel further submits that it will suffice if a direction for disposal of the aforesaid pending petitions in Partition Suit No.352 of 2000 as well as the partition suit itself within a reasonable period is issued without entering into the detailed merits of the matter.

4. Obviously the partition suit is of the year 2000 and even the aforesaid petitions have not been disposed of till date as contended by the learned senior counsel appearing on behalf of the petitioner.



5. Expeditious disposal of the civil suit is in the interest of parties and in general public as well and there could be no denial of this fact.

6. Having considered the aforesaid facts and circumstances as well as submission made on behalf of the petitioners, the learned Sub-Judge, 9th, Muzaffarpur (East) is directed to dispose of the aforesaid pending petitions filed in Partition Suit No. 352 of 2000 by the petitioners on its merits and in accordance with law within a period of six month from the date of receipt/production of a copy of this order and, thereafter, go on to dispose of the Partition Suit No.352 of 2000 in next six months, without adjourning the matter unnecessarily.

7. The parties are also directed to cooperate in the matter for its early disposal without seeking unnecessary adjournment.

8. With the aforementioned observations and directions, the instant petition is disposed of.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	04.01.2024
Transmission Date	N/A

