

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.546 of 2020

1. Chamak Lal Paswan Son of Mohril Paswan deceased Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
2. Amod Paswan Son of Ajab Lal Paswan deceased Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
3. Jay Prakash Das Son of Late Teni Das Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
4. Doman Paswan Son of Puran Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
5. Ram Naresh Paswan Son of Late Uchit Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
6. Bajrangi Paswan Son of Late Uchit Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
7. Prakash Paswan Son of Late Uchit Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
8. Shiv Shankar Paswan Son of Late Uchit Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
9. Ashok Mandal Son of Biro Singh Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
10. Chandan Mandal Son of Biro Singh Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
11. Parmanand Das Son of Jageshwar Das Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
12. Baleshwar Mandal Son of Late Sikali Mandal Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
13. Bijay Das Son of Mahadeo Das Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
14. Nageshwar Das Son of Ganga Das Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
15. Jagdish Das Son of Govind Das Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
16. China Devi Wife of Late Jaro Das Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
17. Tulsi Das Son of Ramdhani Das Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
18. Dayabati Devi Wife of Jagdish Das Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
19. Sita Das Son of Late Banarsi Das Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
20. Ashok Paswan Son of Jangali Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.



21. Anandi Paswan Son of Jangali Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
22. Mira Devi Wife of Late Upendra Das Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
23. Kali Charan Mandal Son of Late Sikali Mandal Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
24. Suresh Mandal Son of Late Tulsi Mandal Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
25. Kailash Paswan Son of Babu Lal Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
26. Suresh Paswan Son of Late Prasadi Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
27. Sri Lal Paswan Son of Late Chunchun Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
28. Suresh Kumar Das Son of Jageshwar Das Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
29. Bagu Paswan Son of Late Dharichhan Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
30. Girdhari Paswan Son of Late Dharichhan Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
31. Suresh Paswan Son of Late Jangali Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
32. Jagdish Paswan Son of Late Chunchun Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
33. Pramod Paswan S/o Ajab Lal Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
34. Radhe Mandal S/o Late Manchan Mandal Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
35. Tetar Paswan Son of Poshan Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
36. Bipin Paswan Son of Poshan Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
37. Parmanand Mandal Son of Ganesh Mandal Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
38. Sipajo amda Son of Ganesh Mandal Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
39. Upendra Mandal Son of Late Tulia Mandal Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
40. Suresh Das Son of Jageshwar Rabidas Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
41. Sheeldhar Paswan Son of Bibhishan Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
42. Rudal Paswan Son of Bibhishan Paswan Resident of Village- Tetpur Ranga



P.O. Parghari, P.S. Sabour, District- Bhagalpur.

43. Jogendra Das Son of Late Jogeshwar Das Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
44. Arjun Das Son of Jugal Das Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
45. Gopa Das Son of Sahdeo Das deceased Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
46. Kanhai Das Son of Sukhdeo Das Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
47. Muneshwar Das Son of Late Mishri Das Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
48. Rango Das Son of Late Karu Das Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.
49. Prayag Paswan Son of Late Sigeshwar Paswan Resident of Village- Tetpur Ranga P.O. Parghari, P.S. Sabour, District- Bhagalpur.

... .. Petitioners

Versus

1. Renu Devi Daughter of Late Nagendra Pd. Singh and Wife of Jawahar Pd. Singh Resident of Village- Parghari, P.S.- Sabour, Dist- Bhagalpur.
2. Jawahar Pd. Singh Son of Late Satya Narayan Singh Resident of Village- Parghari, P.S.- Sabour, Dist- Bhagalpur.
3. Raj Bahadur Singh Son of Late Jugal Pd. Singh Resident of Village Chhathar, P.S. Shambhuganj, District- Banka.
4. Rampari Devi Wife of Anandi Rabidas deceased Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
5. Ajay Rabidas Son of Anandi Rabidas deceased Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
6. Bijay Rabidas Son of Anandi Rabidas deceased Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
7. Shambhu Ravidas Son of Late Bishundeo Rabidas Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
8. Murli Rabidas Son of Late Bishundeo Rabidas Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
9. Shambhu Paswan Son of Late Sukhdeo Paswan Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
10. Chhatu Paswan Son of Late Sukhdeo Paswan Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
11. Sanjay Paswan Son of Late Sukhdeo Paswan Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
12. Hari Kishore Paswan Son of Late Basudeo Paswan deceased Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
13. Anil Paswan Son of Late Basudeo Paswan deceased Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.



- 14. Tulsi Das Son of Late Babulal Ravidas Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
- 15. Vivek Das Son of Late Babulal Ravidas Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
- 16. Rohin Ravidas Son of Basu Ravidas deceased Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
- 17. Bechan Rabidas Son of Late Munay Rabidas Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
- 18. Sudama Rabidas Son of Late Munay Rabidas Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
- 19. Bhagwat Mandal Son of Shaldeo Mandal Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
- 20. Sukhdeo Ravidas Son of Bhola Ravidas Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
- 21. Prakash Ravidas Son of Late Jageshar Ravidas Resident of Village Tatpur Ranga, P.O. Parghari, P.S. Sabour, District- Bhagalpur.
- 22. Manju Devi wife of Brahmdeo Mandal resident of Village- Babupur Sabour, P.O. and P.S.- Sabour, District- Bhagalpur.
- 23. Manoj Yadav Son of Baijnath Yadav resident of Alinagar, Police Station- Sabour, District- Bhagalpur.
- 24. Subalak Yadav Son of Baijnath Yadav resident of Alinagar, Police Station- Sabour, District- Bhagalpur.
- 25. Chamak Lal Mandal son of Late Dhuri Mandal resident of Mohalla- Rani Talab, Police Station- Sabour, District- Bhagalpur.
- 26. Manju Devi Wife of Late Bambam Pandit Resident of village- Mansarpur, 1. Police Station- Sabour, District- Bhagalpur.
- 26. Sarvan Pandit Son of late Bambam Pandit Resident of village- Mansarpur, 2. Police Station- Sabour, District- Bhagalpur.
- 26. Nitish Pandit Son of Bambam Pandit Resident of village- Mansarpur, Police 3. Station- Sabour, District- Bhagalpur.

... .. Respondents

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narain, Sr. Advocate Dr. Manoj Kumar, Advocate Mrs. Annapurna Sinha, Advocate Mr,.Kshem Sharma, Advocate Ms. Sweety Sinha, Advocate
For the Respondent/s	:	Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT
Date : 21-11-2024

Heard learned senior counsel appearing on behalf of



the petitioners.

02. There is no representation on behalf of the respondents though they have been served.

03. The petitioners are aggrieved by the order dated 10.02.2020 passed by the learned Sub Judge-X, Bhagalpur in Title Suit No. 144 of 1997 whereby and whereunder the learned trial court allowed application of the defendant nos. 34 to 38 moved for allowing them to cross-examine the witnesses of the plaintiffs, subject to payment of cost of Rs. 5,000/-.

04. Learned senior counsel appearing on behalf of the petitioners submits that a number of defendants have been added during the pendency of trial and the defendants kept on selling the properties and subsequent purchasers have been made parties. Learned senior counsel further submits that though defendant nos. 34 to 38, respondent nos. 21 to 25 herein, appeared and filed their written statement in 2015, but from 2015 to 2020, they slept over the matter and did not make any prayer for cross-examination of the witnesses of the plaintiffs. The observation of the learned trial court that defendants nos. 34 to 38 could not participate in the trial, is not correct and they have all the opportunities during this period of five years to move appropriate application and to pray for recall of the



witnesses of the plaintiffs. Learned senior counsel further submits that if applications for recalling the witnesses are allowed in such manner, there would be no end to the matter and the title suit of 1997 would go on for many more years in future. Thus, the learned senior counsel submits that the impugned order is not sustainable and the same be set aside.

05. Perused the record.

06. From perusal of record, I find that during the period from 2015 to 2020, when the application for recalling the witnesses of the plaintiffs to cross-examine them has been filed, the impugned order mentions about a revision being preferred before this Court as well as about substitution petition also beingt disposed of.

07. Be that as it may, even in the impugned order only concession given to the defendant nos. 34 to 38 is about recalling the witnesses of the plaintiffs for cross-examination subject to payment of some cost, so I am not inclined to interfere with the impugned order. However, since it is a suit of the year 1997, it is necessary that the trial must be proceed in a time bound manner and the suit be disposed of at the earliest.

08. Hence, while affirming the order dated 10.02.2020, the plaintiffs/petitioners are directed to produce all



their witnesses as and when the date is fixed by the learned trial court and the defendant nos. 34 to 38 (respondent nos. 21 to 25 herein) shall cross-examine the witnesses in like manner. The learned trial court is directed to conclude the recording of the evidence within a month from the date of receipt/production of a copy of this order, even if the matter is to be fixed on day to day basis. Thereafter, the learned trial court is directed to dispose of the suit within three months from the date of receipt/production of copy of this order.

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

10. At this stage, learned senior counsel submits that no cost has been deposited by the defendant nos. 34 to 38 in terms of the impugned order. In this regard, it is made clear that the cost, if not already deposited, the same will be deposited on the first date before the learned trial court, otherwise the defendant nos. 34 to 38 will loose their rights to cross-examine the witnesses of the plaintiffs.

(Arun Kumar Jha, J)

Ashish/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	21-11-2024
Transmission Date	NA

