

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.356 of 2021

Md. Ashraf Khan Son of Late Abdul Monaf Khan Resident of Ward No.15, Naya Tola, Bettiah, P.S.- Bettiah, District- West Champaran and at presently residing at Flat No- 302, Yash Rhythm, Parge Nagar, Kondhwa, P.S.- Kondhwa, District- Pune- 411048, Maharashtra.

... .. Petitioner/s

Versus

1. Md. Perwez Khan Son of Late Abdul Moaf Khan Presently residing at Ward No.14, Naya Tola, P.O. Naya Tola, P.S. Bettiah, West Champaran, Bihar.
2. Md. Javed Khan Son of Late Abdul Monaf Khan Presently residing at Ward No. 15, Naya Tola, P.O. Naya Tola, P.S. Bettiah, West Champaran, Bihar.
3. Md. Sohail Khan Son of Late Abdul Monaf Khan Presently residing at Ward No.15, Naya Tola, P.O. Naya Tola, P.S. Bettiah, West Champaran, Bihar.
4. Md. Afroz Khan Son of Late Abdul Monaf Khan Presently residing at Ward no. 15, Naya Tola, P.O. Naya Tola, P.S. Bettiah, West Champaran, Bihar.
5. Anwari Khatoon Daughter of Late Abdul Monaf Khan Presently residing at Ward no. 15, Naya Tola, P.O. Naya Tola, P.S. Bettiah, West Champaran, Bihar.
6. Malka Sama Widow of Late Abdul Monaf Khan Presently Residing at Village Bathna, P.O. Bijdhari, P.S. Kesaria, East Champaran, Bihar.
7. Amjad Khan Son of Late Abdul Monaf Khan Presently residing at Village Bathna, P.O. Bijdhari, P.S.- Kesaria, East Champaran, Bihar.
8. Majid Khan Son of Late Abdul Monaf Khan Presently residing at Village Bathna, P.O. Bijdhari, P.S. Kesaria, East Champaran, Bihar.
9. Serjil Khan Son of Late Abdul Wahab Khan Presently residing at Ward No.14, Naya Tola, P.O. Naya Tola, P.S. Bettiah, West Champaran, Bihar.
10. Naushin Rukh Daughter of Late Abdul Wahab Khan Presently residing at Ward no. 14, Naya Tola, P.O. Naya Tola, P.S. Bettiah, West Champaran, Bihar.
11. Sermin Wahab Daughter of Late Abdul Wahab Khan Presently residing at Ward No. 14, Naya Tola, P.O. Naya Tola, P.S. Bettiah, West Champaran, Bihar.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 09-01-2024

Heard learned counsel for the petitioner.



2. In the light of jointness affidavit filed on behalf of the petitioner for jointness of respondent nos. 1 to 3 with respondent no. 5, respondent no.8 with respondent no.7 and respondent no.10 with respondent no.9, these respondents are declared served.

3. Learned counsel for the petitioner submits that the instant petition has been filed for quashing the order dated 17.09.2019, passed by learned Sub Judge-VI, Motihari, East Champaran in Partition Suit No. 478 of 2016, rejecting the petition dated 30.01.2017, filed under Order 40 Rule 1 of the Code of Civil Procedure.

4. Learned counsel for the petitioner further submits that during pendency of the suit, three sale deeds were executed by the defendants and some of the properties were also mortgaged.

5. I.A. No. 1 of 2022 has been filed for appointment of receiver during pendency of this case, but the petitioner does not want to press either the main petition or his Interlocutory Application and seeks direction of this Court for learned Court below for expeditious disposal of the case by taking up the matter on day to day basis since joint family property is being disposed of and alienated by the defendants and to dispose of



the present petition with aforesaid direction.

7. Having considered the submissions of learned counsel for the petitioner, learned Court below is directed to take up the matter on urgent basis and proceed to dispose of the same on or before nine months.

8. The parties are directed to co-operate for early disposal of the case before the learned Court below. If the parties do not co-operate, the learned Court below may pass any appropriate order.

9. If any further alienation is made by any of the parties, the petitioner is at liberty to file appropriate application before learned Court below, which would be disposed of by a reasoned order.

10. Accordingly, the matter stands disposed of.

(Arun Kumar Jha, J)

Amrendra/-

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