

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.894 of 2023

Pranab Kumar Saha Son of Late Nani Gopal Saha, Resident of High School, Para, P.S. Katihar, District Katihar. At present resident of 0/9 MIG, Phase - 1, Ashiana Nagar, P.S. Rajiv Nagar, District- Patna.

... .. Petitioner/s

Versus

1. The State of Bihar through the Secretary, Law Department, Govt. of Bihar, Patna.
2. Prashanta Kumar Saha, Son of Late Nani Gopal Saha, Resident of High School, Para, P.S. Katihar, District Katihar.
3. Smt. Meera Rani Saha, Wife of Late Nani Gopal Saha, Resident of Mohalla-High School, Para, P.S. Katihar, District Katihar.
4. Prakash Kumar Saha, Resident of B-7/23, Dimond Park, 2nd Floor, Jhoka, Kolkata - 700104.
5. Probir Kumar Saha, Son of Late Nani Gopal Saha, Resident of Mohalla-High School, Para, P.S. Katihar, District Katihar.
6. Dolli Kumari @ Pratima Kumari, Wife of Nitai Kumar, Resident of Flat No. - 4A, 151/9/2, Haridevpur, Maliganj, Kolkata - 700041.
7. Mully Das, Wife of Chiranjib Das, Resident of Flat No. - 4A, 151/9/2, Haridevpur, Maliganj, Kolkata - 700041.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abhitabh Kumar, Advocate
For the Respondent/s : Mr.Md. Raisul Haque (SC10)

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 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 as well as learned counsel appearing for the State-respondents.

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 VI, Katihar to decide Title Suit No. 57 of 2018 within a specific period.

4. Learned counsel for the petitioner submits that the learned Sub Judge has not been taking any interest in disposing of the suit in accordance with law and the petitioner, who is defendant no. 1 is aged 66 years and suffering from various chronic disease and is suffering great loss. Moreover, mother of the petitioner, who is defendant no. 2 is aged 87 years and the other side does not want the matter to be disposed of and the matter is being stretched by the plaintiff. Learned counsel further submits that even after filing of the written statement and completion of pleading in 2019, the issues have not been settled. The learned trial court is quite is different to the plight of the defendants. Learned counsel prays for early disposal of Title Suit No. 57 of 2018.

5. Learned counsel appearing on behalf of State-respondents has no objection to the early disposal of the suit before the learned trial court.

6. Since the petitioner has come before this Court for seeking relief of early disposal of Title Suit No. 57 of 2018, I find that there is no need to issue notice to the private respondents.



7. It is unfortunate that even after completion of pleading way back in the year 2019, the issues have not been settled in this case. It is incumbent upon the learned trial court to take up the matter at earliest more so when the parties are senior citizens and one of the defendants is aged more than 80 years. Hence, the learned Sub-Judge VI, Katihar is directed to take up matter in all earnest and try to dispose of Title Suit No. 57 of 2018 within a period of nine months from the date of receipt/production of a copy of this order without granting unnecessary adjournments to the parties, who are directed to fully co-operate in disposal of the case.

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

(Arun Kumar Jha, J)

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