

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1172 of 2023

1. Bijay Kumar Dubey, Son of Late Bashisth Dubey, resident of village Khairadeep, P O Khairadeep, P S Daudnagar, District Aurangabad (Bihar).
2. Santosh Kumar Dubey, Son of Late Bashisth Dubey, resident of village Khairadeep, P O Khairadeep, P S Daudnagar, District Aurangabad (Bihar).

... .. Petitioner/s

Versus

1. Smt. Saroj Tiwary, Daughter of Late Shiv Kumar Dubey, Wife of Sri Tarkeshwar Tiwari, Resident of village Khairadeep, P.O. Khairadeep, P.S. Daudnagar, District Aurangabad (Bihar) at present address, resident of village Mahuari, P.S. Kochas, District Rohtas, Sasaram (Bihar).
2. Virendra Kumar Dubey, Son of Late Ram Sakal Dubey, Resident of village Khairadeep, P.O. Khairadeep, P.S. Daudnagar, District Aurangabad (Bihar).
3. Sunil Kumar Dubey, Son of Late Parasnath Dubey, Resident of village Khairadeep, P.O. Khairadeep, P.S. Daudnagar, District Aurangabad (Bihar).
4. Prema Devi, Wife of Sri Devendra Dubey, Resident of village Khairadeep, P.O. Khairadeep, P.S. Daudnagar, District Aurangabad (Bihar).
5. Satyendra Dubey, Son of Late Ram Sakal Dubey, Resident of village Khairadeep, P.O. Khairadeep, P.S. Daudnagar, District Aurangabad (Bihar).

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Baidyanath Prasad, Advocate
For the Respondent/s : Mr. Chandra Shekhar Verma, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 13-05-2024

Re:- I.A. No. 1 of 2024.

The instant interlocutory application has been filed on behalf of the petitioners seeking withdrawal of present C. Misc. No. 1172 of 2023.

2. Learned counsel for the petitioners submits that petitioner no.1 has to go abroad in the month of December, 2024 for operation of knees of his wife and for this reason, the petitioners want early disposal of his case pending before the



learned trial court. Learned counsel further submits that petitioner does not want to press the civil miscellaneous petition which has been filed against the order dated 18.10.2023 passed by the Sub Judge-I, Aurangabad in Title Suit No. 23 of 2021.

3. Learned counsel appearing on behalf of respondent nos. 2 to 5 submits that he has no objection, if the petitioners withdraw the present petition. Learned counsel further submits that, however, the matter has been contested before the learned trial court and respondent nos. 2 to 5 have filed their written statement contesting the claim of the petitioners as well as respondent no.1.

4. Since the petitioners have confined their prayer only to the early disposal of the title suit before the learned trial court and wants to withdraw the present petition with certain directions to the learned trial court for disposal of the suit within a stipulated period, I do not think any useful purpose would be served waiting for service of notice upon respondent no.1 as other respondents have appeared and are being represented by the learned counsel.

5. Under the aforesaid circumstances, the learned trial court is directed to take up the matter for expeditious disposal and tried to dispose of the Title Suit No. 23 of 2021 within a



period of nine months from the date of receipt/production of a copy of this order.

6. Having regard to the facts and circumstances and the averments made in this interlocutory application and the submissions made on behalf of the parties, I.A. No. 1 of 2024 is allowed.

7. With the aforesaid observations and directions, the instant C. Misc. No. 1172 of 2023 stands disposed of.

(Arun Kumar Jha, J)

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