

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1245 of 2023

Kumar Indradeo, Son of Ramprit Singh, Resident of Village - Misi, Police Station - Bakhtiyarpur, District - Patna. At present residing at Mohalla - Rajendra Nagar, Road No. 12, Police Station - Kadamkuan, District - Patna.

... .. Petitioner/s

Versus

1. Kameshwar Singh, Son of Ramprit Singh, Resident of Village - Misi, Police Station - Bakhtiyarpur, District - Patna.
2. Shri Birendra Prasad, Son of Shri Kameshwari Singh, Resident of Village - Misi, Police Station - Bakhtiyarpur, District - Patna.
3. Ram Bali Singh @ Kumar Sanjeev, Son of Ramuchit Singh, Resident of Village - Misi, Police Station - Bakhtiyarpur, District - Patna.
4. Shri Chandra Shekhar Prasad, Son of Late Wazir Singh, Resident of Village - Misi, Police Station - Bakhtiyarpur, District - Patna.
5. Shri Rajdev Prasad, Son of Shri Chandra Shekhar Prasad, Resident of Village - Misi, Police Station - Bakhtiyarpur, District - Patna.
6. Shri Ghanshyam Prasad, Son of Shri Chandra Shekhar Prasad, Resident of Village - Misi, Police Station - Bakhtiyarpur, District - Patna.
7. Shri Ramdil Yadav, Son of Late Dahour Yadav, Resident of Village - Misi, Police Station - Bakhtiyarpur, District - Patna.
8. Shri Jayprakash @ JP, Son of Shri Shyama Nand Prasad, Resident of Village - Misi, Police Station - Bakhtiyarpur, District - Patna.
9. Shri Bachhu Yadav, Son of Budhan Yadav, Resident of Village - Misi, Police Station - Bakhtiyarpur, District - Patna.
10. Shri Bhagwat Yadav, Son of Late Guput Yadav, Resident of Village - Misi, Police Station - Bakhtiyarpur, District - Patna.
11. Shri Binda Yadav, Son of Late Shri Ram Bikas Yadav, Resident of Village - Misi, Police Station - Bakhtiyarpur, District - Patna.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL JUDGMENT

Date : 09-01-2024

Heard learned counsel for the petitioner.



2. The instant petition has been filed by the petitioner seeking direction to the learned court of Sub-Judge-V, Patna for early disposal of Title Partition Suit No. 216 of 2012.

3. At the very outset, learned counsel for the petitioner submits that the title partition suit has been filed in the year 2012 and the issues have been framed on 04.07.2018, but the matter is still at the stage of plaintiff's evidence.

4. However, from perusal of the record, I find that the plaintiff failed to produce his witness though the matter was fixed on a number of dates for examination of plaintiff's witness. In such view of the matter, the prayer of the petitioner is misconceived. Duty is cast upon the plaintiff to produce his witness on the date fixed by the court and when affidavit of evidence is filed and the witness is produced, then only the court could proceed in the matter.

5. Having regard to the facts and circumstances of the case, the instant petition is disposed of with a direction to the plaintiff to produce his witness on the date fixed and the learned Sub-Judge-V, Patna (trial court) is directed to see that the proceedings before it are taken up on the date fixed and the matter is disposed of as early as possible since the plaintiff is a 83



years old person.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	N.A.F.R.
CAV DATE	N.A.
Uploading Date	09.01.2024
Transmission Date	N.A.

