

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1540 of 2017

Yogendra Mistry Son of Late Chandra Mistry, Resident of Village- Chouhar,
P.S.- Magadh Medical, Dist- Gaya.

... .. Petitioner/s

Versus

1. Dukhan Ram and Anr Son of Late Dillu Ram, Resident of Village- Chouhar,
P.S.- Magadh Medical, Dist- Gaya.
2. Ramnandan Mistry, Son of Sri Gobind Mistry, Resident of Village- Kaler
Tola Siyari, P.S.- Magadh Medical, Dist- Gaya.

... .. Respondent/s

Appearance :

For the Petitioner/s : None
For the Respondent/s : None

CORAM: HONOURABLE MR. JUSTICE S. B. PD. SINGH
ORAL ORDER

9 19-09-2025 Despite repeated calls, no one has appeared from
either side.

2. The present application has been filed by the
petitioner for quashing the orders dated 26.05.2017 and
28.06.2017 passed by the Court of Sub-Judge 3rd Gaya, in
Title Suit No. 122 of 2012.

3. Vide order dated 31.07.2025, a report was
called for from the Trial Court, as to why since 26.05.2017,
Title Suit No. 122 of 2012 is not beeing disposed of. In
compliance thereof, report has been sent by the I/C Sub-
Judge-III. The relevant portion of the report reads as under:-

“The case was fixed for argument



on 26.05.2017. On 12.06.2017 a petition was filed prayed that defendant should be given a chance to adduce more evidence. On 20.01.2018 petition of defendant side is allowed with a cost of Rs. 600/-. The case was fixed for evidence of defendant side. But defendant did not adduce evidence. Hence on 13.06.2018 evidence of defendant was hereby closed and case was again fixed for argument.

On 31.10.2018, Judgment was delivered and decree was prepared in favour of defendants accordingly from the Court of Sub Judge 3rd Gaya Ji.

Later on LCR of Title Suit 122/12 was sent to the Ld. Court of District Judge Gaya for reference in Title Appeal no. 80/2018 and then the LCR was sent to the Ld. Court of ADJ 7th Court Gaya Ji. And ultimately on 23.12.2022 Judgment was delivered in Title Appeal No. 80/2018 from the Ld. Court of ADJ 12th Court Gaya Ji and decree was prepared in favour of plaintiffs accordingly and record was deposited in record room Civil Court Gaya Ji.”

4. From perusal of the aforesaid report, it becomes crystal clear that final judgment has been delivered in Title Suit No. 122 of 2012 and decree was also prepared in favour of defendants, due to which the present Civil Miscellaneous No. 1540 of 2017 has become infructuous



and accordingly, it stands disposed of.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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