

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1664 of 2017

1. Smt. Manisha, Wife of Sri Shatrughan Singh, Resident of Mohalla-Chaudhary Tola, P.O. Mahendru, P.S. Sultanganj, District and Township of Patna.
2. Smt. Reena, Reena Singh, Wife of Sri Anant Kumar, Resident of Mohalla-Chaudhary Tola, P.O. Mahendra P.S. Sultanganj, District and Township of Patna.

... .. Petitioner/s

Versus

Smt. Sarita Sahi, Wife of Sri Pramod Kumar Sahi, resident of Mohalla-Repara Darbar, P.O. Bishan Daltpur, P.S. Kanti, District- Muzaffarpur, at present resident of Shahi Goodess, Carrier No. 5, Vaira Complex, 18 K.M.T.R. Road, M.N. Hulli, Bangalore.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 16-01-2025 Heard learned counsel for the petitioners.

2. Learned counsel for the petitioners submits that Title Suit No. 288 of 2010 has been dismissed for non-prosecution. Learned counsel further submits that for setting aside the dismissal order of Title Suit No. 288 of 2010, Civil Misc. No. 450 of 2019 has been filed and the present petition may be heard together with Civil Misc. No. 450 of 2019.

3. Perusal of record shows the relief sought in the present petition is for quashing the order dated 30.05.2017 passed by learned Sub Judge-IV, Patna City in Title Suit No. 288 of 2010 whereby and whereunder the petition of the petitioner



filed under Order 22 Rule 10 read with Order 1 Rule 10 and Section 151 of the Code of Civil Procedure has been rejected.

4. Since the Title Suit No. 288 of 2010 has been dismissed, the present petition does not survive for consideration. So far as prayer of learned counsel for the petitioners about hearing of the present petition along with Civil Misc. No. 450 of 2019 is concerned, the same cannot be acceded to as after dismissal of Title Suit No. 288 of 2010, there remains no substratum for the consideration in the present petition. The learned counsel for the petitioners seeks to make the hearing of the present petition contingent upon happening of a future event, i.e., allowing the Civil Misc. No. 450 of 2019, which could not be permissible.

5. Hence, the present petition is dismissed as it has become infructuous.

(Arun Kumar Jha, J)

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