

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.197 of 2023

1. Suresh Chandra Tripathi Son of Late Durga Datta Tripathi Resident of Village- Basdiha, Police Station-Piro District-Bhojpur, Presently residing at Mohalla-Gauraxanee, Police Station-Sasaram (T), District-Rohtas.
2. Umesh Chandra Tripathi Son of Late Durga Datta Tripathi. Resident of Village- Basdiha, Police Station-Piro District-Bhojpur, Presently residing at Mohalla-Gauraxanee, Police Station-Sasaram (T), District-Rohtas.
3. Kamlesh Chandra Tripathi Son of Late Durga Datta Tripathi Resident of Village- Basdiha, Police Station-Piro District-Bhojpur, Presently residing at Mohalla-Gauraxanee, Police Station-Sasaram (T), District-Rohtas.

... .. Petitioner/s

Versus

2. Krishna Bihari Singh @ Tae Singh Son of Late Uma Shankar Singh Resident of Village- Kumhaun Police Station-Sheosagar, District-Rohtas.
3. Shesh Nath Singh Son of Late Sheogovind Singh Resident of Village- Kumhaun Police Station-Sheosagar, District-Rohtas.
5. Baccha Singh Son of Late Dharmu Singh Resident of Village- Kumhaun Police Station-Sheosagar, District-Rohtas.
7. Gopaljee Pandey Advocate Receiver, Rohtas Bar Association, Civil Court, Sasaram, Police Station-Sasaram (T), Distirct-Rohtas.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Dhanendra Chaubey
For the Respondent/s : Mr.Maya Shankar Mishra

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

10 10-10-2025 Heard learned counsel for both the parties.

2. The present Civil Miscellaneous application has been filed on behalf of the petitioner for setting aside the order dated 19.01.2023 passed by Sub-Judge-6, Rohtas at Sasaram in Title Suit No. 12 of 1982 by which learned Sub-Judge has rejected the application dated 19.12.2022 and directed to produce evidence.



3. The aforesaid Title Partition suit No. 12 of 1982 was filed for partition of joint family property in which on the petition of plaintiff, a receiver was appointed. Moot question in this Civil Miscellaneous application is that whether the receiver was appointed for indefinite period or for a period of one year.

4. Learned lawyer of both the parties fairly agree on the point that the same point was decided in Civil Revision No. 1117 of 2004. The observation of the Co-ordinate Bench of this Court reads as under:-

“On consideration of the submissions and the materials produced/available on the record it is evident that the question of passing the order on the receiver’s report is disputed one. According to the petitioners the receiver was appointed for indefinite period whereas according to the opposite party the receiver was appointed for one year. Such disputed fact can be decided only after taking evidence. Thus, it would be proper that the court shall frame issue to the aforesaid effect and shall decide the same along with other issues at the time of final hearing of the case.”

5. After receiving the aforesaid direction of this Court, the learned Trial Court has rejected the petition filed on behalf of the petitioner/plaintiff and it has been mentioned in the impugned order that this issue will be decided after taking the



evidence of both the parties, at the time of final adjudication of this case.

6. Keeping in view the aforesaid facts, it is apparent that there is no illegality and impropriety in the impugned order. Accordingly, the impugned order is upheld and the present Civil Miscellaneous application stands dismissed with a direction to the learned Trial Court to expedite the trial and both the parties are also directed to diligently co-operated in the Trial.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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