

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.197 of 2021

1. Baby Devi @ Smt. Baby Devi Wife of Late Pramod Kumar Prasad Permanent resident of village- Banpura, P.s.- Janta Bazar, District- Saran (Chapra), at present resident of 24C , Rani Ram Muni Road, Police Station- New Market Kolkata-700087 (West Bengal)
2. Anand Kumar Prasad Son of Late Pramod Kumar Prasad Permanent resident of village- Banpura, P.s.- Janta Bazar, District- Saran (Chapra), at present resident of 24C , Rani Ram Muni Road, Police Station- New Market Kolkata-700087 (West Bengal)
3. Ashok Kumar Prasad Son of Late Pramod Kumar Prasad Permanent resident of village- Banpura, P.s.- Janta Bazar, District- Saran (Chapra), at present resident of 24C , Rani Ram Muni Road, Police Station- New Market Kolkata-700087 (West Bengal)
4. Alka Prasad Daughter of Late Pramod Kumar Prasad Permanent resident of village- Banpura, P.s.- Janta Bazar, District- Saran (Chapra), at present resident of 24C , Rani Ram Muni Road, Police Station- New Market Kolkata-700087 (West Bengal)
5. Binod Kumar Prasad Son of Late Laxmi Narayan Prasad Permanent resident of village- Banpura, P.s.- Janta Bazar, District- Saran (Chapra), at present resident of 18, Rani Ram Muni Road, Police Station- New Market Kolkata-700087 (West Bengal)
6. Anil Kumar Prasad @ Anil Prasad Son of Late Laxmi Narayan Prasad @ Lakshmi Narayan Sah Permanent resident of village- Banpura, P.s.- Janta Bazar, District- Saran (Chapra), at present resident of 18, Rani Ram Muni Road, Police Station- New Market Kolkata-700087 (West Bengal)

... .. Petitioner/s

Versus

1. Santosh Prasad Son of Late Dwarikanath Prasad Permanent resident of village- Banpura, P.s.- Janta Bazar, District- Saran (Chapra), at present residing at 2/H/2 Tal Tala Kolkata-700014 (West Bengal)
2. Sunil Kumar Prasad Son of Late Laxmin Narayan Prasad Permanent resident of village- Banpura, P.s.- Janta Bazar, District- Saran (Chapra), at present resident of 18, Rani Ram Muni Road, Police Station- New Market Kolkata-700087 (West Bengal)
3. Chhavi Devi Daughter of Late Laxmi Narayan Prasad resident of village and P.o.- Jalalpur, Police Station- Daraunda, District- Siwan

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Bashishtha Narayan Mishra, Adv.
For the Respondent/s : Mr.Nagendra Rai, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA

ORAL ORDER

3 16-01-2025 Heard learned counsel for the parties.

2. Learned counsel appearing on behalf of the respondents has pointed out that vide sale deed dated 24.03.2021, the property of the impugned order has been alienated and the matter has become infructuous since the challenge is only to the order dated 05.01.2021 passed by learned Incharge Sub Judge-6th, Saran, Chapra in Partition Suit No. 468 of 2014 allowing the petition dated 20.01.2020 by the plaintiff by granting permission to sell the land measuring 02 Katha from Khata No. 664, Khesra No. 1027 Area 7 Katha 05 Dhurs and further 18 Dhurs from Khata No. 664 Khesra No. 1028. As the said land has already been sold in terms of orders of the learned Sub Judge-6th, Saran, Chapra dated 05.01.2021, nothing remains in the matter.

3. At this stage, learned counsel for the petitioner submits that the present petition may be disposed of with direction to the learned trial court to dispose of the Partition Suit No. 468 of 2014 within stipulated time. The learned counsel representing the plaintiff/respondent 1st set has no objection to the prayer of the learned counsel of the petitioner.

4. In the light of the submission of the parties, learned trial court is directed to proceed with the matter and try

to dispose of the Partition Suit No. 468 of 2014 at the earliest and preferably within a year from the date of receipt/production of copy of this order considering the fact that the suit is more than ten years old and from time to time administrative directions have been issued by the High Court for disposal of more than ten years old cases.

5. With the aforesaid direction, the instant petition stands disposed of.

6. However, it goes without saying that the petitioners have always the recourse under law to agitate any grievance before the appropriate authority in appropriate proceeding.

7. Interlocutory application, if any, stands disposed of.

(Arun Kumar Jha, J)

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