

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.397 of 2024

Narendra Kumar Singh, Son of Late Umesh Narayan Singh, Resident of Village- Sambhupatti, P.S.- Karpoorigram, District- Samastipur.

... .. Petitioner/s

Versus

1. Madhuri Devi Daughter of Late Dinesh Prasad Singh, Wife of Late Kamlesh Prasad Singh Resident of Mohalla- Veer Kunwar Singh Colony, p.S.-Town, District- Samastipur.
2. Kamini Devi Daughter of Late Ramesh Prasad Singh, Wife of Om Prakash Singh Resident of Village- Balwa Koari, P.S.- Hajipur, District- Vaishali.
3. Chinta Devi Wife of Late Ramesh Prasad Singh Resident of Village- Shambhupatti, P.S.- Karpoorigram, District- Samastipur.
4. Devlaksh Devi Wife of late Rabindra Prasad Singh Resident of Village- Shambhupatti, P.S.- Karpoorigram, District- Samastipur.
5. Amitesh Kumar Son of Late Rabindra Prasad Singh Resident of Village- Shambhupatti, P.S.- Karpoorigram, District- Samastipur.
6. Anima Kumari Daughter of Late Rabindra Prasad Singh, Wife of Ramesh Kumar Singh Resident of Village- Mohammadpur Balvi, P.S.- Motipur, District- Muzaffarpur.
7. Reena Kkumari Daughter of Late Rabindra Prasad Singh, Wife of Satish Kumar Singh Resident of Village- Harsinghpur, P.S.- Sarairanjan, District- Samastipur.
8. Rubi Singh Daughter of Late Rabindra Prasad Singh, Wife of Ashok Kumar Singh Resident of Ward No.-4, Veena Mandir Club, District- Dhoubri (Assam).
9. Amrita Kumari Daughter of Late Rabindra Prasad Singh, Wife of Abhay Kumar Singh Resident of Village- Rajba, P.S.- Kudhni, District- Muzaffarpur.
10. Upendra Narayan Singh Son of Late Dinesh Prasad Singh Resident of Village- Shambhupatti, P.S.- Karpoorigram, District- Samastipur.
11. Amrendra Kumar Singh Son of Late Dinesh Prasad Singh Resident of Village- Shambhupatti, P.S.- Karpoorigram, District- Samastipur.
12. Manoj Kumar Singh Son of Ramesh Prasad Singh Resident of Village- Shambhupatti, P.S.- Karpoorigram, District- Samastipur.
13. Satendra Narayan Singh Resident of Village- Shambhupatti, P.S.- Karpoorigram, District- Samastipur.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA



ORAL JUDGMENT

Date : 25-06-2025

The record taken up on mentioning being made on behalf of the petitioner.

2. Heard learned counsel for the petitioner.

3. The learned counsel for the petitioner submits that the present petition has been filed seeking direction to the learned Civil Judge (Senior Division) 7th, Samastipur to dispose of the petition dated 09.05.2022 filed by the petitioner under Sections 151 and 152 of the Code of Civil Procedure (hereinafter referred to as 'the Code') in Final Decree Case No.02/2004 apart from seeking direction to the same court for disposal of Final Decree Case No.02/2024, which has been pending for more than 20 years. The learned counsel does not press the third relief. The learned counsel further submits that the petitioner has filed an application for modification in the order dated 23.03.2022 passed in Final Decree Case No. 02/2004, but the said application filed under Sections 151 and 152 of the Code has been pending for more than two years, but the learned trial court has not been taking any steps for disposal of the same. For this reason, Final Decree Case No. 02/2004 is also pending. The said final decree case has been pending for more than 20 years due to delaying tactics adopted by the



judgment-debtors and indulgence shown by the learned trial court. The learned counsel prays for issuance of direction to the learned trial court for firstly disposal of the petition dated 09.05.2022 filed under Sections 151 and 152 of the Code and, thereafter, disposal of Final Decree Case No.02/2004.

4. Since the petitioner has approached this Court confining his prayer only seeking direction to the learned trial court for disposal of the application dated 09.05.2022 and, thereafter, disposal of Final Decree Case No.02/2004, which have been pending for more than 2 years and 20 years, respectively, I think there is no need to issue notice to the respondents and directions could be straightway given to the learned trial court.

5. Having considered the aforesaid facts and circumstances as well as submission made on behalf of the petitioner, the learned trial court, i.e., Civil Judge (Senior Division) 7th, Samastipur is directed to dispose of the application dated 09.05.2022 filed by the petitioner under Sections 151 and 152 of the Code on its merits and in accordance with law at the earliest and preferably within a period of one month from the date of receipt/production of a copy of this order considering the fact that the said application



has been kept pending by the learned trial court for more than two years and, thereafter, to proceed to dispose of the Final Decree Case No.02/2004 in next six months, without adjourning the matter unnecessarily, considering the fact that it has been pending for more than 20 years.

6. The parties are also directed to cooperate in the matter for its early disposal without seeking unnecessary adjournment.

7. With the aforementioned observations and directions, the instant petition is disposed of.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	25.06.2025
Transmission Date	NA

