

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.653 of 2025**

Ajay Kumar Gupta Son of Late Banarsi Lal, Resident of Ashok Raj Path,
Opposite Kulharia Complex, Mini Market, P.S. Pirbahore, District- Patna.

... .. Petitioner/s

Versus

Gaurav Kumar Son of Late Bhola Prasad Kashyap, Resident of Ashok Raj
Path, Opposite Kulharia Complex, Mini Market, P.S. Pirbahore, District-
Patna.

... .. Respondent/s

Appearance :

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

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 16-07-2025

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 petitioner has approached this Court with limited prayer seeking direction to the learned Sub Judge-II, Patna to pass an appropriate order on the objection petition dated 03.01.2025 filed by the petitioner in Misc. Case No. 86/2024. The learned counsel further submits that the petitioner has taken a number of objections in the petition dated 03.01.2025 regarding knowledge of the respondents about the proceeding in Title Suit No. 451/2022 and the respondents deliberately avoiding appearance in Title Suit No. 451/2022. The learned trial court though heard



the matter on 24.02.2025 and fixed the matter on 10.03.2025 for orders, but, since then, no orders have been passed on the objection petition of the petitioner. The learned counsel refers to a decision of this Court in the case of ***Kameshwar Prasad Singh vs. Rajendra Upadhyia*** reported in ***2001 (3) PLJR 396*** wherein the learned Single Judge of this Court held that a miscellaneous case filed under Order 9 Rule 13 of the Code of Civil Procedure can be disposed of *in limine* on the preliminary issue of limitation.

4. Since it is the matter seeking direction to the learned trial court for expeditious disposal of the aforesaid petition dated 03.01.2025, I do not think there is any need to issue notice to the respondent, who is the petitioner before the learned trial court.

5. Accordingly, the learned trial court, i.e., Sub Judge-II, Patna is directed to proceed in the matter and try to dispose of the aforesaid petition dated 03.01.2025 filed by the present petitioner in Misc. Case No. 86/2024 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, after giving due opportunity of hearing to the parties.



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 stands disposed of.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	16.07.2025
Transmission Date	NA

