

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.908 of 2024

Pushpa Devi W/o Late Sunil Kumar, at present R/o 7HF 2/29 H.I.G. B.H. Colony, Bhootnath Road, Patna-800026 P.O. B.H. Colony, P.S. Agamkuan.

... .. Petitioner/s

Versus

Reeta Sharma W/o Surendra Prasad Singh, at present residing at 7HF 8/26 H.I.G. B.H. Colony, Bhootnath Road, P.O. B.H. Colony, P.S. Agamkuan.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Satya Ranjan Sinha
For the Respondent/s : Mr.

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

2 28-08-2025 The petitioner is aggrieved and dissatisfied with the pendency of Miscellaneous Case No. 06 of 2017 which is pending for more than seven years. The above miscellaneous case was filed by the petitioner under Section 151 CPC to restore the original Title Eviction Suit 03 of 2016 (T.E.S), which was dismissed for default as the petitioner did not file a requisite in T.E.S. No. 03 of 2016. Petitioner by filing the instant Civil Miscellaneous application has prayed for direction to the learned Court below i.e. Sub-Judge VI, Patna City to expeditiously hear and decide the miscellaneous case no. 06 of 2017.

2. Plaintiff/petitioner had filed Title Eviction Suit No. 03 of 2016 under Bihar Building Control Act on 13.05.2016 which was dismissed for default due to lack of appropriate



pairwi and compliance of the order. Against that order Miscellaneous Case No. 6 of 2017 was filed by the petitioner but that was not filed under appropriate provision of CPC. Subsequently, for correction of the said mistake, a petition was filed under Order 6 Rule 17 and under Section 151 of CPC on 27.08.2018 but as per the submission of the learned counsel for the petitioner, the same has not been decided till date.

3. Keeping in view the aforesaid facts, it appears that the suit is much delayed without any adjudication and even the miscellaneous application has not been decided till date.

4. In this circumstance, learned Trial Court is requested to dispose of the Miscellaneous Application No. 06 of 2017 within a period of two months from the date of receipt of this order on day to day basis, since the defendant has also been appeared in the said miscellaneous case.

5. Accordingly, the present application stands disposed of.

(S. B. Pd. Singh, J)

Ankit Kumar/-

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