

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1391 of 2024

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Meena Sharma Wife of Dr. Rabindra Nath Sharma Resident of Village-
Uphara, P.S.- Uphara, District- Aurangabad, Present resident of Sharma
Building Gurudwara Road, Mango, P.O.- Mango, P.S.- Mango, District-
Jamshedpur.

... .. Petitioner/s

Versus

1. Jitendra Nath Sharma Son of Late Parshuram Sharma Resident of Village-
Uphara House Kashinath Colony, Katari Hill Road, Near- Crane School,
P.O- H.P.O Gaya, P.S.- Civil Lines District- Gaya.
2. Shushma Sharma Wife of Late Devendra Nath Sharma Resident of Village-
Mohalla Kashi Nath Colony, Katari Hill Road, Gaya, P.S.- Civil Lines, Dist-
Gaya.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Md. Waliur Rahman, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 09-01-2025 Record has been taken up on mentioning being made
on behalf of the petitioner.

2. Heard learned counsel for the petitioner.

3. The petitioner has approached this Court with
limited prayer seeking direction to learned Munsif-I, Gaya for
early disposal of Title Suit No. 788 of 2022 within a reasonable
period.

4. Learned counsel for the petitioner submits that the



defendants have appeared in the suit and thereafter, they have not been allowing the court to proceed in the matter. The plaintiff/petitioner has filed an application under Order 39 Rule 1 and read with Section 151 of the Code of Civil Procedure (in short 'the Code') and the defendants were debarred from filing show cause but, however, during the pendency of the application, the plaintiff has been ousted from the suit property and the application became infructuous. Learned counsel further submits that the learned trial court is not taking steps even to frame issues despite written statement being filed on behalf of the defendants. While the reluctance of the defendants is understandable for the reasons that they have been dispossessed the plaintiff/petitioner, the learned trial court not proceeding in the matter is unfortunate.

5. Since the petitioner has approached this Court with limited prayer for early disposal of the title suit, I do not think that there is any need to issue notice to the respondents.

6. Having regard to the facts and circumstances of the case, the learned Munsif-I, Gaya is directed to take up the matter showing urgency and make all efforts for disposal of Title Suit No. 788 of 2022 and dispose of the same at the earliest and preferably within a year from the date of receipt/production



of a copy of this order.

7. With the aforesaid direction, the present petition stands disposed of.

(Arun Kumar Jha, J)

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