

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1379 of 2024

Nimit Akhouri, S/o Late Akhouri Jaideo Narayan Sinha, R/o Gajendra Puri,
Garden of God School, Golamber Buxar, Bihar 802101.

... .. Petitioner/s

Versus

1. The Estate of deceased Vindhyachal Prasad alias Vindhyachal Chaudhary son of Late Jagpat Ram alias Jagpat Chaudhary, Resident of Pipalpati Road, Buxar, P.S. Buxar, Post-Buxar, District-Buxar-802101.
2. Sushila Devi, wife of Vidhyachal Prasad alias Vindhyachal Chaudhary, Resident of Pipalpati Road, Buxar, P.S. Buxar, Post-Buxar, District-Buxar-802101.
3. Ajay Kumar son of Vindhyachal Prasad alias Vindhyachal Chaudhary, Resident of Pipalpati Road, Buxar, P.S. Buxar, Post-Buxar, District-Buxar-802101.
4. Abhay Kumar, Son of Vindhyachal Prasad alias Vindhyachal Chaudhary, Resident of Pipalpati Road, Buxar, P.S. Buxar, Post-Buxar, District-Buxar-802101.
5. Vikash Kumar, son of Vindhyachal Prasad alias Vindhyachal Chaudhary, Resident of Pipalpati Road, Buxar, P.S. Buxar, Post-Buxar, District-Buxar-802101.
6. Krity Kumari, wife of Mukul Kumar, W/o Vindhyachal Prasad alias Vindhyachal Chaudhary, Resident of Daldali Ganj, Patna City-800008.
7. Executive Director, Bihar Industrial Area Development Authority, 1st Floor, Udyog Bhavan, Gandhi Maidan, Patna Bihar 800001.

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 25-02-2025

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

2. Heard learned counsel for the petitioner on the
point of admission and I intend to dispose of the instant petition
at the stage of admission itself.



3. The petitioner has approached this Court seeking direction to the learned Additional District Judge-IV, Buxar to expedite the proceeding of Probate Case No. 277/2022 and to proceed *ex-parte* against the respondent 3rd set/opposite party no.7.

4. Apparently, the petitioner has approached this Court under Article 227 of the Constitution of India as this Court has supervisory jurisdiction over all subordinate courts. But I fail to understand how this Court is going to pass orders interfering in the day to day working of the subordinate courts and seeking relief of direction to the learned trial court to proceed *ex-parte* is completely the misuse of the process of the law.

5. The Hon'ble Supreme Court in the case of ***High Court Bar Association, Allahabad vs. State of Uttar Pradesh and Ors.*** reported in (2024) 6 SCC 267 has discussed the situation under which the trial courts are directed to dispose of certain cases in time bound manner and issued certain guidelines and held that Constitutional Courts should not normally fix a time-bound schedule for disposal of cases pending in any court and further held that orders fixing the outer limit for the disposal of cases should be passed only in



exceptional circumstances to meet extraordinary situations.

Paragraph 43 of the aforesaid decision reads as under:

“There is another important reason for adopting the said approach. Not every litigant can easily afford to file proceedings in the constitutional Courts. Those litigants who can afford to approach the constitutional Courts cannot be allowed to take undue advantage by getting an order directing out-of-turn disposal of their cases while all other litigants patiently wait in the queue for their turn to come. The Courts, superior in the judicial hierarchy, cannot interfere with the day-to-day functioning of the other Courts by directing that only certain cases should be decided out of turn within a time frame. In a sense, no Court of law is inferior to the other. This Court is not superior to the High Courts in the judicial hierarchy. Therefore, the Judges of the High Courts should be allowed to set their priorities on a rational basis. Thus, as far as setting the outer limit is concerned, it should be best left to the concerned Courts unless there are very extraordinary circumstances.”

6. Since every litigant cannot approach this Court, the ones who can approach this Court should not be given any priority and should not be allowed any undue advantage by giving directions for disposal of their cases in time bound manner.

7. Further, unless there is any dereliction of duty on part of the subordinate courts, the High Court should not interfere with the functioning of the learned trial court in casual



manner and no direction should be given to the learned trial court merely on asking of the parties.

8. Moreover, in the present case, the probate case has only been filed in the year 2022 and there appears no inordinate delay so as to invoke the supervisory jurisdiction of this Court.

9. Therefore, finding no merit in the present petition, the same is dismissed.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.02.2025
Transmission Date	NA

