

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.346 of 2025

Mahadev Gope, Son of Late Ram Sevak Gope, Resident of Village- Maujipur,
P.O. - Fatuha, P.S. - Nadi Thana, District- Patna.

... .. Petitioner/s

Versus

1. Laxmi Gope Son of Late Janak Gope Resident of Village - Changar, P.S. - Kankarbagh, District- Patna.
2. Girja Gope Son of Late Janak Gope Resident of Village - Changar, P.S. - Kankarbagh, District- Patna.
3. Mofil Gope Son of Janka Gope Resident of Village - Changar, P.S. - Kankarbagh, District- Patna.
4. Moti Gope Son of janka Gope Resident of Village - Changar, P.S. - Kankarbagh, District- Patna.
5. Munna Devi Wife of Late Hari Nandan Gope Resident of Village - Maujipur, Post - Fatuha, P.S. - Nadi Thana, District- Patna.
6. Bipin Kumar Son of Late Hari Narayan Gope Resident of Village - Maujipur, Post - Fatuha, P.S. - Nadi Thana, District- Patna.
7. Ajay Kumar Son of Late Hari Narayan Gope Resident of Village - Maujipur, Post - Fatuha, P.S. - Nadi Thana, District- Patna.
8. Manju Devi Daughter of Harinandan Gope, Wife of Ajay Rai Resident of Village - Lahariya Tola, P.O. and P.S. - Athmalgola, District - Patna.
9. Lalita Devi Daughter of late Harinandan Gope Wife of Jai Prakash Rai Resident of Village - Mohammadpur, P.O. - Kothiya, P.S. - Didarganj, District- Patna.
10. Phoola Devi Daughter of Late Harinandan Gope, Wife of Sanoj Kumar, Resident of Village - Lahariya Tola, P.O. and P.S. - Athmalgola, District- Patna.
11. Chunni Devi Daughter of Late Harinandan Gope, Wife of Chandan Kumar Resident of Village - Patna City Humad Gali, P.S. - Begampur, P.O. - Patna City Chowk, District- Patna.
12. Sri Ravi Home Pvt. Ltd., 3rd Floor, Maa Kaushalya Grand, Opp. Indian Petrol Pump Colony More, Kankarbagh, Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Digvijay Narayan Singh, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 23-04-2025

The record taken up on mentioning being made on



behalf of the petitioner.

2. As prayed, learned counsel for the petitioner is permitted to make necessary correction in paragraph 1 of the present petition in course of the day.

3. Heard learned counsel for the petitioner.

4. The learned counsel for the petitioner submits that the petitioner confines his prayer only to the direction to the learned trial court for expeditious disposal of the application dated 10.11.2023 filed in Title Partition Suit No. 136/2022 by the petitioner under Order 22 Rule 4 of the Code of Civil Procedure along with the petition filed under Section 5 of the Limitation Act and also another application dated 16.05.2024 filed under the same provisions. The learned counsel specifically submits that he has not been pressing the other reliefs. The learned counsel further submits that defendants have appeared in the said case, but the learned trial court is not taking any interest and has kept the partition suit pending and is not even disposing of the applications filed for substitution of deceased defendant nos. 1 & 6.

5. Since it has been submitted by the learned counsel for the petitioner that all the defendants have appeared in the Partition Suit No. 136/2022 pending before the learned Sub



Judge-IX, Patna and applications filed for substitution of deceased defendants are pending, without issuance of notice to the other sides, the learned trial court is directed to dispose of the aforesaid applications dated 10.11.2023 and 16.05.2024 filed by the plaintiff/petitioner under Order 22 Rule 4 of the Code of Civil Procedure in Title Partition Suit No. 136 of 2022 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	23.04.2025
Transmission Date	NA

