

(2017) 04 JH CK 0045
In the Jharkhand High Court
Case No : 5324 of 2015

Binod Chaudhary @ Indu Mandal

APPELLANT

Vs

The State of Bihar (Now Jharkhand)

RESPONDENT

Date of Decision : 24-04-2017

Acts Referred:

[Code of Civil Procedure, 1908](#), [Section 151](#),
[Order 39 Rule 1](#) - Saving of Inherent
powers of Court

Citation : (2017) 04 JH CK 0045

Hon'ble Judges : Aparesh Kumar Singh

Bench : SINGLE BENCH

Advocate : Rajeev Ranjan Tiwari, Amit Kr. Tiwari

Final Decision : Disposed

Judgement

1. Heard counsel for the petitioners. The name of learned State counsel is unnecessarily reflected in the cause list, though State is not a party in the suit or in

the present writ petition.

2. Trial Court of Learned Munsif, Palamau at Daltonganj vide order dated 02.08.2011 passed in Title Suit No. 14/2003, rejected the petition under Order 39 Rule 1 read with Section 151 of Civil Procedure Code preferred by the plaintiff seeking injunction. The substituted plaintiffs went in appeal being Civil Miscellaneous Appeal No. 08/2011 before the Court of Learned District Judge-IV, Palamau at Daltonganj, who by the impugned order dated 30.05.2015, has directed

maintenance of status quo in respect of suit property and restraint from creation

of

third party rights during pendency of the suit. This has aggrieved the defendants /

petitioners to approach this Court.

3. Learned counsel for the petitioners, after some argument, submits that the suit is of the year 2003 and it would be in fitness of things that a direction be issued

to dispose it of within a strict time frame. Parties are suffering due to restraint and

order of status quo in the subject matter of the suit. Status report has been received

from the Court of Learned Additional Civil Judge (JD), Palamau at Daltonganj about

the Title Suit No. 14/2033. It reveals that three witnesses have been examined on

behalf of the plaintiff in the suit. Petition under section 10 read with section 151 of

Civil Procedure Code filed by the plaintiffs, is pending for hearing due to absence of

both the parties. The next date fixed is 17.06.2017 for hearing on that petition.

4. The suit is more than ten years old. There is no reason why the Learned Court should grant unnecessary adjournment to the parties on one or the other pretext,

instead of concluding it in accordance with law. Plaintiffs as well as defendants

should be given strict time frame to conclude their evidence. Interlocutory

applications, if any, should be disposed of also without any unnecessary

adjournment within a time frame. Therefore, Learned Trial Court should endeavour

to dispose of the suit in accordance with law within a period of six months from the

date of receipt of copy of this order. Writ petition stands disposed of accordingly.