

...

Kedar Nath Barnwal @ Kedar Nath Prasad & Others	...	Petitioners
- V e r s u s -		
Lakhan Lal Barnwal & Others	...	Respondents.

For the Petitioners : - Mr. R. N. Sahay, Advocate.

10/31.01.2013 The petitioners, by way of the present petition, under Article 227 of the Constitution of India have prayed for issuance of an appropriate writ/order/direction for quashing and setting aside the order dated 30<sup>th</sup> August, 2011 passed by the learned Sub-Judge, V, Giridih in Title Suit No. 265 of 2008, whereby the application preferred by the present petitioners (original defendants) for recall of the order of injunction in view of the report of the Pleader Commissioner who was appointed as per direction of the order passed by this Court in W.P. (C) No. 3779 of 2010, has been rejected.

2. Heard the learned counsel for the petitioners.
3. The other side has been duly served as per the office report dated 29.01.2013 but nobody appears on behalf of the Respondents (original plaintiffs).
4. The learned counsel for the petitioners submitted that the trial has already commenced and the matter is at the evidence stage and therefore, the learned counsel for the petitioners have prayed that necessary direction may be issued upon the court below for expeditious hearing of the case and if possible on day to day basis, so that the trial can be completed at an early stage.
5. Looking to the facts and circumstances involved in the matter and more particularly, in view of the fact that the trial has already commenced and the matter is at an early stage of hearing and the plaintiffs have also started examination of their witnesses, necessary direction is required to be issued to the court below for expeditious disposal of the case. Accordingly, the court below shall make endeavour for expeditious disposal of the suit and dispose of the suit preferably within a period of five months from the date of the order. The parties to the proceedings shall co-operate in the proceedings before the court below and shall not take unnecessary adjournment in the matter.
6. With the aforesaid observations, this writ petition stands disposed of.

(P.P. Bhatt, J.)

APK