

IN THE COURT OF PRINCIPAL DISTRICT JUDGE, BHAGALPUR
Civil Misc. (Transfer) No. 25/2025

1. Md. Mohsin

.....Petitioner

Versus

1. State of Bihar

.....Opposite Party

For the Petitioner
For the O.P No. 01

:- Mr. Shahnawaz Arshi, Ld. Advocate.
:- Mr. Uday Narayan Singh, Ld. G.P.
:- Mr. D.K. Sinha, Ld. Advocate.

Date of Order	Order with Signature of the Court
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02-06-2026	1. Attendance has been filed on behalf of the petitioner as well as opposite party. Heard learned counsel for the petitioner and learned counsel appearing on behalf of the opposite parties. Perused the record. 2. The present petition has been filed seeking transfer and consolidation of Title Appeal Nos. 95/2016, 96/2016, 99/2016 and 102/2016 arising out of the common judgment dated 13.05.2016 and decree dated 10.06.2016 passed in analogous Title Suit No. 359/1986 and Title Suit No. 19/1988. 3. Learned counsel for the petitioner submitted that all the aforesaid appeals arise out of the same common judgment and decree passed in the aforesaid analogous title suits and involve common questions of fact and law. It has further been submitted that the appeals are presently pending before different Courts of learned District & Additional Sessions Judges, Bhagalpur and separate adjudication thereof may result in conflicting findings and multiplicity of proceedings. It is also submitted that since the original suits were heard analogously and decided by a common judgment, the connected appeals should also be heard by one Court for effective adjudication and to secure the ends of justice. 4. Learned counsel appearing on behalf of Opposite Party Kanti Pd. Mishra and Durga Dutta Mishra, who are appellants in Title Appeal No. 96/2016, submitted that the appeals are pending before competent Courts and are proceeding in accordance with law. However, it has not been disputed that the aforesaid appeals arise out of the same common judgment and decree passed in analogous Title Suit No. 359/1986 and Title Suit No. 19/1988. Learned counsel further submitted that the said opposite parties have no

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objection to the transfer and analogous hearing of the connected appeals before one Court in accordance with law.

5. During the course of hearing, reports were called for from the concerned Courts regarding the status of the aforesaid appeals.
6. Perusal of the report submitted by the learned District & Additional Sessions Judge-XVI, Bhagalpur reveals that Title Appeal No. 99/2016 and Title Appeal No. 102/2016 have arisen out of the common judgment and decree passed in the aforesaid title suits. The report further discloses that Title Appeal No. 99/2016 is pending for hearing, whereas Title Appeal No. 102/2016 was dismissed for default on 22.09.2022.
7. Further, from the report submitted by the learned District & Additional Sessions Judge-XI, Bhagalpur in connection with Title Appeal No. 96/2016, it appears that the appeal also arises out of the same common judgment and decree passed in analogous Title Suit No. 359/1986 and Title Suit No. 19/1988. The report further reveals that the records of the connected title suits have been received and tagged with the appeal. It has also been reported that the Judgment and Decree had been sent to the Court dealing with Title Appeal No. 99/2016 for hearing and the same had not been received back till submission of the report.
8. The report submitted by the learned District & Additional Sessions Judge-VIII, Bhagalpur further shows that Title Suit No. 359/1986 and Title Suit No. 19/1988 were tried analogously and that the records relating to the connected suits and appeals are interdependent. It further appears that the records of Title Suit No. 359/1986 have already been transmitted in connection with Title Appeal No. 96/2016 and, as such, effective progress of the connected appeals is dependent upon availability of the common records.
9. Having considered the submissions advanced on behalf of the parties and upon perusal of the reports received from the concerned Courts, this Court finds that Title Appeal Nos. 95/2016, 96/2016 and 99/2016 arise out of the same common judgment and decree passed in analogous Title Suit No. 359/1986 and Title Suit No. 19/1988 and involve substantially common questions of fact and law. The reports further reveal that the records of the



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connected proceedings are interlinked and continuation of the appeals before different Courts is likely to result in duplication of judicial work and may also give rise to conflicting findings.

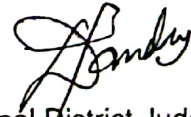
10. This Court is, therefore, of the considered opinion that in the interest of justice, judicial propriety, convenience of the parties and for avoiding multiplicity of proceedings, the connected pending appeals deserve to be heard and decided analogously by one Court. Accordingly, the present transfer petition is **allowed**.

11. Let Title Appeal No. 95/2016 pending in the Court of learned District & Additional Sessions Judge-VIII, Bhagalpur and Title Appeal No. 96/2016 pending in the Court of learned District & Additional Sessions Judge-XI, Bhagalpur **are hereby recalled from the said Courts and transferred to the Court of learned District & Additional Sessions Judge-XVI, Bhagalpur**, where Title Appeal No. 99/2016 is presently pending, for analogous hearing and final disposal in accordance with law.

12. Since Title Appeal No. 102/2016 has already been dismissed for default on 22.09.2022, no order for transfer is required in respect thereof.

13. The concerned Courts shall transmit the records of the aforesaid appeals forthwith to the transferee Court. The transferee Court shall proceed with the connected appeals together and dispose of the same expeditiously in accordance with law.

14. Let a copy of this order be communicated to the Courts of learned District & Additional Sessions Judge-VIII, XI and XVI, Bhagalpur for information and necessary compliance. The petition stands allowed and **disposed of accordingly**.



Principal District Judge, Bhagalpur

Date of Judgment	02-06-26
Date of Reserving Judgment	N/A
Uploading Date	04-06-26
Uploaded by	Raque Rijari