

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.11794 of 2014

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1. Dal Babu Rai son of Late Akchhey lal Rai.
 2. Anand Kumar son of Sri Lal Babu Rai.
 3. Abhinit Kumar
 4. Navneet Kumar both minor sons of Sri Lal Babu Rai, under the guardianship of their father and natural Guardian Sri Lal Babu Rai All residents of village and P.O. Kushar, P.S. Tariyani, District - Sheohar at Present residing at Mohalla - Khajekelan, P.O. Patna City, P.S. Khajekalan, District – Patna.

.... Petitioner/s

Versus

1. Most. Sudha Prasad wife of Late Rajeshwar Prasad
2. Anand Prasad @ Ajay Prasad son of Late Rajeshwar Prasad Both residents of Mohalla Mithapur B - Area, P.S. Jakkanpur, District – Patna.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Samir Kumar Sinha

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 10-02-2015

Heard Mr. Sinha, the learned counsel appearing on behalf of the petitioners.

The petitioners were decree holder in a suit for ejectment filed for recovery of possession of the suit premises. The suit was decreed on 13.09.2012 thereafter the petitioners filed execution case no. 01 of 2013. It appears from the order sheet of the said execution case that the writ was issued for delivery of possession to the petitioners over the suit premises but nazir returned the said writ expressing inability to execute the decree in view of the fact

mentioned therein that there were machineries etc. on the said premises. The report was submitted on 01.03.2014 and thereafter the learned executing court below after looking into the said report, did not pass any further order/direction.

The learned counsel for the petitioners has submitted that this writ application has been filed with sole prayer for a direction to the learned executing court below to proceed with the execution case by effecting delivery of possession in accordance with decree as the non-execution thereof is causing recurring loss to the petitioners.

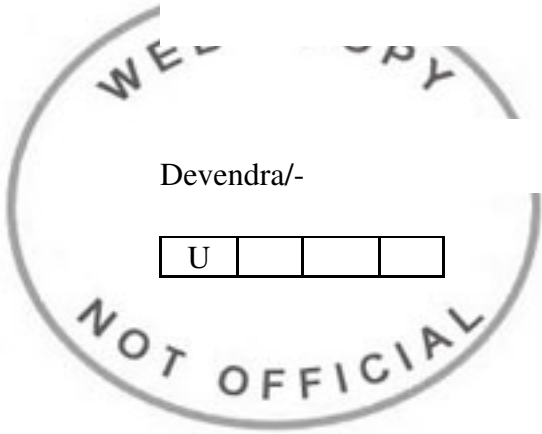
After considering the submissions and the materials on record, it is limpid that the execution case is pending since 2013 and it is stand of the petitioners that since after 06.03.2014 no effective orders are there for execution of the decree.

In this view of the matter, the learned executing court below is directed to execute the decree in accordance with law without any further delay and if accordingly the report as earlier submitted, there is difficulty in executing the decree, the appropriate steps should be taken by the executing court itself.

The writ application is, accordingly, disposed of with aforesaid direction to the executing court below with observation that the delay some times frustrates the justice.

This order has been passed without notice to the

respondents as in view of the nature of the order, this court does not find it necessary to hear the respondents.



(V. Nath, J)