

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.11811 of 2015

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Hriday Kumar Singh S/o Late Nagina Singh, Resident of Nagina Singh Lane, Dahiyawan Municipal Chowk, P.O. & P.S. - Chapra, District - Saran (Bihar), Managing Partner of M/S Bihar Industrial Engineering Company, Bhagwan Bazar, p.O. - Chapra, P.s. - Bhagwan Bazar, District - Saran, Presently Residing at Godawn Estate Colony, 104 Phase, District - Pilibhait (Uttar Pradesh).

.... Petitioner/s

Versus

1. The State of Bihar through the Collector of Saran (Bihar).
2. The Chief Secretary to Government of Bihar, Old Secretariat, Patna - 800001.
3. The Commissioner - cum- Principal Secretary, Minor Irrigation Department, Government of Bihar, New Secretariat, Patna - 800001 at Present Merged with Water Resources Department, Government of Bihar, Patna - 800001.
4. The project Coordinator, Tubewell Prabhag, Water Resources Department (Minor Irrigation), Vishwasaraiya Bhawan, Bailey Road Patna - 800001.
5. The Chief Engineer, Tube - Well (North Bihar), Minor Irrigation Department, Muzaffarpur.
6. The Superintending Engineer, Tube - Well Circle, Chapra, District - Saran.
7. The Executive Engineer, Tube - Well Division, Chapra, District - Saran.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Adv.

For the Respondent/s : Mr. Madhuresh Prasad, Adv.

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CORAM: HONOURABLE MR. JUSTICE V. NATH
ORAL ORDER

2 01-10-2015

Heard Mr. Ashok Kumar, the learned counsel for the petitioner and the learned counsel for the State-respondents.

The prayer in this writ application has been made for a direction to the learned court below for expeditious disposal of the two Execution Case Nos. 02 of 2007 and 06 of 2007 pending before the Sub Judge-1, Chapra.

It is the statement of the petitioner that the two awards were passed in favour of the petitioner against the respondents under the provisions of Arbitration and Conciliation Act. Thereafter, the petitioner has filed the two Execution Case Nos. 02 of 2007 and 06 of 2007 for execution of the aforesaid award for payment of the amount as mentioned in the plaint. It is the case of the petitioner that since thereafter the said two execution cases are still pending without any material reason. The learned counsel for the petitioner has categorically stated that there is no legal impediment in disposal of the two execution cases without any further delay.

The learned counsel for the State-respondents has submitted that the matter may be adjourned to enable him to seek instruction regarding pendency of the two execution cases. However, the learned counsel has fairly taken the stand that there should not be undue delay in disposal of the cases.

After considering the facts and circumstances, this Court is inclined to take the view that the disposal of the two execution cases appears to have been substantially delayed without any material reason. It is well settled that the delay in disposal of the cases sometimes frustrates justice. The order sheets of the two execution cases as annexed with the present application also do not demonstrate any valid reason for such long pendency. In this backdrop, this Court directs the learned court below to proceed expeditiously for disposal of the two execution cases pending since 2007 (if not already disposed of) within a period of four months from today in accordance with law.

The writ application is accordingly, disposed of with the aforesaid observations and directions.

(V. Nath, J)

Devendra/-

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