

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.14907 of 2014

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1. MURARI PRASAD SON OF LATE GANESH PRASAD
2. BINDU DEVI WIFE OF MURARI PRASAD
3. OMJEE PRASAD SON OF MURARI PRASAD
4. SHILPI DEVI WIFE OF OMJEE PRASAD
5. SONU KUMAR SON OF MURARI PRASAD ALL ARE RESIDENT OF
MOHALLA - SAHEBGANJ, SONARPATTI, P.O. CHAPRA, P.S. CHAPRA (TOWN), DISTRICT - SARAN AT CHAPRA (BIHAR)

.... Petitioner/s

Versus

1. MOHAMMAD QUAYUM ANSARI SON OF SULEMAN ANSARI
RESIDENT OF MOHALLA - KARIM CHAK, P.S. CHAPRA, P.O. CHAPRA,
DISTRICT - SARAN AT CHAPRA (BIHAR)

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Manoj Kumar, Adv
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE V. NATH

ORAL JUDGMENT

Date: 24-10-2016

Heard learned counsel for the petitioners.

By the impugned order the executing court below has stayed further proceeding of execution case during the pendency of the miscellaneous case filed under Order 21 Rule 97.

Learned counsel for the petitioners has submitted that the petition filed by the respondents under Order 21 Rule 97 is simply frivolous and has been filed only for the purpose of lingering



the proceeding of the execution case. Learned counsel for the petitioners has also referred to the earlier order passed in this regard by this Court.

After considering the submissions and the facts and circumstances of the case, this Court is not inclined to interfere with the impugned order as the proceeding of the execution case will have to stayed till the disposal of the miscellaneous case filed under order 21 Rule 97. However, this Court directs the learned court below to take up the Miscellaneous Case No. 7 of 2013 and pass appropriate order disposing it of in accordance with law without granting unnecessary adjournments to the parties, expeditiously and preferably within a period of three months and submit a report before this Court.

The application is, accordingly, disposed of.

(V. Nath, J)

Ranjan/-

AFR/NAFR	NAFR
CAV DATE	N.A.
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