

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.14628 of 2012

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1. Shakuntala Devi W/O Late Jagdish Prasad Shukla Resident Of 13 D.N. Singh Road, P.S. Adampur (Kotwali), P.O. Bhagalpur Head Post Office Town And District Of Bhagalpur.

.... Petitioner/s

Versus

1. Krishna Mohan Lal S/O Late Raj Mohan Lal Resident Of 12 D.N. Singh Road, P.S. Adampur (Kotwali), P.O. Bhagalpur, Town And District Bhagalpur.

2. Snehalata Devi W/O Late Madan Mohan Lal Resident Of 12 D.N. Singh Road, P.S. Adampur (Kotwali), P.O. Bhagalpur, Town And District Bhagalpur.

3. Bijoy Kumar Lal S/O Late Madan Mohan Lal Resident Of 12 D.N. Singh Road, P.S. Adampur (Kotwali), P.O. Bhagalpur, Town And District Bhagalpur.

4. Binoy Kumar Lal S/O Late Madan Mohan Lal Resident Of 12 D.N. Singh Road, P.S. Adampur (Kotwali), P.O. Bhagalpur, Town And District Bhagalpur.

5. Vikash Kumar Lal S/O Late Madan Mohan Lal Resident Of 12 D.N. Singh Road, P.S. Adampur (Kotwali), P.O. Bhagalpur, Town And District Bhagalpur.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Dev Kumar Pandey -Advocate

For the Respondent/s : Mr. Jitendra Kishore Verma -Advocate

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CORAM: HONOURABLE MR. JUSTICE ADITYA KUMAR TRIVEDI
ORAL ORDER

5 15-03-2016 Heard learned counsel for the petitioner as well as learned counsel for the respondents.

2. I.A. No.881/2014 has been filed on behalf of Respondent No.1 to vacate the stay so granted by this Court vide order dated 30.10.2012 relating to Execution Case No. 15/2010 pending before Munsif-2nd, Bhagalpur.

3. Another I.A. No.9901/2015 has been filed on behalf of Respondent No.1 disclosing therein that the sole



petitioner, Shakuntala Devi had died on 25.06.2015 leaving behind her heirs so detailed under paragraph-1 of the petition with a prayer to pass appropriate order in the background of the fact that statutory period is found duly exhausted. However, learned counsel for the respondents is fair in his submission that substitution relating to sole petitioner, Shakuntala Devi had already been prayed before the learned appellate court.

4. The instant petition has been filed against order dated 15.12.2011 passed by ADJ-FTC-2nd, Bhagalpur relating to Title Appeal No. 97/2010 whereby and whereunder the prayer for stay of execution under Execution Case No. 15/2010 has been refused in the background of the fact that appellate court has opined that appeal is going to be heard and disposed of within a month. The order is of the year 2011, stay has been granted on 30.10.2012 by this Court but during midst thereof, in spite of consumption of more than a month and further, having no impediment in between, the learned appellate court failed to hear the appeal and dispose it of according to its own estimation.

5. That being so and further, having substitution prayed before the learned appellate court relating to Shakuntala Devi, I do feel expedient in the interest of justice to dispose it of with a direction to the learned appellate court to expedite the

hearing and conclude the same on day-to-day basis within three months from the date of receipt/production of this order, with a further direction to the respective parties to co-operate the court in getting the appeal disposed of within the aforesaid period of three months, the instant petition is disposed of and in likewise manner, I.A. No. 9901/2015 is dealt with and disposed of.

6. In the aforesaid background, the stay so granted relating to Execution Case No. 15/2010 pending before Munsif-2nd, Bhagalpur is extended for another period of three months and in terms thereof, I.A. No. 881/2014 is also disposed of.

(Aditya Kumar Trivedi, J)

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