

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.21240 of 2013

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Ajay Kumar Singh & Ors

.... Petitioner/s

Versus

Ramjeet Singh & Ors

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Arti Kumari

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MUNGESHWAR
SAHOO
ORAL ORDER

3 20-09-2017

After some argument the learned counsel Mr. Jai Prakash Singh for the petitioners and learned counsel Mr. Jitendra Singh appearing for the respondents submitted that the appeal can be disposed of by the petitioners, who are appellants before the lower appellate court, within three months. According to the learned counsel for the respondents, the petitioners have obtained stay order, therefore, they are delaying the disposal of the appeal.

In view of the above controversy between the parties that the petitioners herein, who are appellants in the lower appellate court, are delaying the disposal of the appeal, it is directed that the appellants shall argue. The court below is directed not to grant unnecessary adjournments to the appellants on any frivolous grounds and shall try to dispose of the application pending under Section 4 (C) of the Consolidation Act and also shall try to hear and dispose of the same as early as possible



without giving unnecessary adjournments to the parties. If the court below will come to the conclusion that the appellants are not assisting the Court and arguing the appeal with a view to delay the disposal of the same, the court below shall vacate the stay order.

With the aforesaid direction, this writ application is disposed of. The further proceeding of execution case shall remain stayed till three months after Durga Puja holidays only. If necessity arises, the petitioners may file further application under Order 41 Rule 5 of the Code of Civil Procedure. At that time the court below shall consider the conduct of the parties and then pass a fresh order.

(Mungeshwar Sahoo, J)

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