

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.13351 of 2015

=====

Chandra Shekhar Jha, son of Late Bishwanath Jha, Principal B.D. College
Jainagar, resident of Guruduara Road, Jai Nagar, Madhubani, P.S.- Jainagar,
District- Madhubani

... .. Petitioner/s

Versus

1. Raj Kumar Rangta S/o Mahabir Pd. Rangta, Jainagar Mohalla- Mirchanpatti,
P.s.- Jainagar, District- Madhubani
2. L.N. Mishra University, Darbhanga, represented by the Vice Chancellor,
L.N.M. University, Kaushwaryer Darbhanga, P.O. + P.S.- Darbhanga,
District- Darbhanga
3. Registrar, L.N.M.U. Kanushwar Nagar, Darbhanga P.O. + P.S.- Darbhanga,
District- Darbhanga

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr. Md. Waliur Rahman
For the Respondent/s : Mr. Chandra Mohan Singh

=====

CORAM: HONOURABLE MR. JUSTICE SANJAY KUMAR
ORAL JUDGMENT

Date : 11-12-2018

This writ application has been filed for quashing the order dated 12.05.2015 passed by learned Additional District Judge-IV, Madhubani in Money Appeal No. 2 of 2011 whereby and whereunder the lower court refused to stay the further proceeding of Money Execution Case No. 9 of 2011 pending in the court of Sub-Judge-I, Madhubani.

Heard learned counsels for the petitioner as well as the respondent nos. 2 and 3.

It appears that the money suit filed by respondent no. 1 was decreed on contest and the plaintiff was held entitled to Rs.36,958.20 paise with interest at the rate of 12% per annum pendente lite till realization of same.



The respondent no. 1, who is Principal of B.D. College, Jainagar, filed Money Appeal No. 2 of 2011. The respondent filed Money Execution Case No. 9 of 2011 before the Sub-Judge-I, Madhubani for realisation of decretal amount. The petitioner filed a petition under Order XLI Rule 5 read with section 151 CPC to stay the proceeding of execution case which after hearing was rejected observing that the ingredients and requirement for staying the execution case was not fulfilled. It appears that this Court considering the willingness of petitioner to deposit Rs.20000/- towards decretal amount had stayed the further proceeding of Money Execution Case No. 9 of 2011 pending in the court of Sub-Judge-I, Madhubani and issued notice to the respondent no. 1 in admission matter. The notice was duly received by the respondent no. 1, but he did not appear.

In view of above discussions and for the ends of justice, the impugned order refusing to stay the proceeding of Money Execution Case No.9 of 2011 is set aside and this writ application is allowed subject to deposit of Rs.20,000/- by the petitioner in the light of undertaking given by the petitioner.

(Sanjay Kumar, J)

mkchy/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	19-12-2018
Transmission Date	N/A

