

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1500 of 2018

=====

1. Nurul Basar Ansari Son of late Sujait Ali Resident of Mohalla-Madhubani Bazar, Police Station- Khazanchi Hat, District- Purnea.

.... Appellant/s

Versus

1. Salma Khatoon Widow of late Abdul Hannan
2. Md. Usman Son of late Abdul Mannan Both resident of Mohalla-Madhubani Bazar, Police Station- Khazanchi Hat, District- Purnea.
3. Noorul Kamar Son of late Suajait Ali R/o Madhubani Bazar, P.S. K. Hat, District- Purnea.

.... Respondent/s

=====

Appearance :

For the Appellant/s : Mr. Md. Shahab Khalil

For the Respondent/s : Mr.

=====

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 11-10-2018 Heard Mr. Raghieb Ahsan, the learned senior counsel
for the petitioner.

The petitioner has filed this Civil Misc. petition for a direction to the learned Additional District Judge-III, Purnea to dispose of the application of the petitioner filed under Order 41 Rule 5 of the Code of Civil Procedure to stay the further proceeding of Execution Case No. 01 of 2014.

The learned senior counsel for the petitioner submits that petitioner filed petition under Order 41 Rule 5 of the C.P.C. on 19.12.2014 but the same has not yet been disposed of. It is further submitted that on 13.08.2018 the learned court heard the argument in part but did not dispose of the petition filed for stay of



the Execution case and called for a report about the status of delivery of possession.

Taking into consideration the fact that petition of the petitioner filed under Order 41 Rule 5 of the C.P.C. for stay of Execution case is pending for last four years, the learned Additional District Judge in seisin of Eviction Appeal No. 8 of 2014 is directed to dispose of the petition of the petitioner forthwith, preferably, on the next date after receiving of order of this court.

With this direction, this Civil Misc. petition is disposed of.

(Prabhat Kumar Jha, J)

BKS/-

U			
---	--	--	--

