

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1721 of 2017

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1. Dukhharan Chamar @ Dhukhharan Ram son of Late Manu Chamar,
Resident of Village- Kharharwa Police Station- Uchkagaon, District-
Gopalganj.

.... Petitioner/s

Versus

1. Paras Chamar son of Late Nanu Chamar Resident of Village- Kharharwa
Police Station- Uchkagaon, District- Gopalganj.
2. Mangal Chamar, son of Late Bari Chamar, Resident of Village-
Kharharwa Police Station- Uchkagaon, District- Gopalganj.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Umesh Kumar Singh

For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR
JHA

ORAL ORDER

2 14-09-2018 Petitioner filed I.A. No.6092 of 2018 for expunging the
name of respondent No.1, namely, Paras Chamar from the cause
title and to substitute the name of his legal heirs duly mentioned in
para 1 of the I.A. Substitution petition is filed within time.

Accordingly, I.A. is allowed. Let the name of respondent
No.1 be expunged and in his place, his legal heirs fully described
in para 1 of the I.A. be substituted.

Heard learned counsel for the petitioner.

The petitioner has filed this civil miscellaneous petition
for setting aside the order passed in Title Appeal No.50 of 2012.

Learned counsel for the petitioner submits that the
plaintiff filed the suit for partition. The suit was preliminary



decreed. Against the preliminary decree, the petitioner filed First Appeal but the same has already been dismissed. Thereafter, the petitioner filed Second Appeal in this court which is admitted for hearing but the petitioner could not know about the preparation of final decree. Petitioner filed Title appeal No.50 of 2012 against the final decree passed in Title Suit No.519 of 1996. Plaintiff filed Execution Case No.4 of 2007 for execution of the final decree. Petitioner filed petition for stay of the execution case but the petition of the petitioner for stay of the execution case is not being heard or disposed of.

Taking into consideration the facts aforesaid, I dispose of this civil miscellaneous petition directing the Additional District Judge II, Gopalganj to hear on the stay petition of the petitioner filed in Title Appeal No.50 of 2012 and dispose of the same without any further delay.

Accordingly, this civil miscellaneous petition is disposed of.

(Prabhat Kumar Jha, J)

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