

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1874 of 2017

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1. Ajay Kumar, Son of Premchan Prasad Kashyap, Resident of Mohalla-Koran Sarai, Post Office-Sasaram, Police Station-Sasaram, District-Rohtas.

.... Appellant/s

Versus

1. Devidin Prasad, Son of Late Antu Sah.
2. Most. Kusum Kunwar, Wife of Late Raghochand Prasad.
3. Kapil Kumar Gupta.
4. Sandip kumar Gupta
5. Vikash Kumar Gupta. All Sons of Late Raghochand Prasad.
6. Sarita Kunwar, Wife of Late Shankar Prasad Gupta.
7. Deepak Kumar Gupta.
8. Prakash Kumar Gupta. Both Sons of Late Shankar Prasad Gupta. null
9. Akash Kumar Gupta (Minor) Son of Late Shankar Prasad Gupta. through Sarita Kunwar Guardian and Natural Mother.
10. Kiran Kunwar, Wife of Late Om Nath Prasad.
11. Avinash Gupta.
12. Abhishek Gupta. Both Sons of Late om Nath Prasad.
13. Kalyani Kumari (Minor) Daughter of Late om Nath Prasad. Through Kiran Kunwar Guardian and Narurla Mother. All 1 to 13 Resident of Mohalla-Chamar Takiya, Post Office-Sasaram, Police Station-Sasaram, District-Rohtas.

.... Respondent/s

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Appearance :

For the Appellant/s : Mr. Ramchandra Singh
For the Respondent/s : Mr. Jitendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 10-08-2018

Heard both sides.

The petitioner has filed this Civil Misc. petition against the order dated 18.08.2017 passed by learned Additional District Judge-VII, Rohtas at Sasaram in Eviction Appeal No. 56 of 2011 by which the learned Additional District Judge rejected the petition of the appellant for stay of Execution Case No. 06 of 2011.

The respondents filed the Eviction Suit No. 03 of 1998 for eviction of the petitioner from the suit premises on the



ground of personal necessity and arrears of rent. The suit was decreed. The petitioner file Eviction Appeal No. 56 of 2011 against the judgment and decree but the same is still pending. The petitioner is ready to argue the appeal but if further proceeding in Execution Case No. 06 of 2011 is not stayed the appeal itself would become infructuous.

The learned counsel for the petitioner submits that the petitioner is ready to conclude the argument of the appeal within three months. On such, the learned counsel for the respondents submits that they have got no objection if the appeal is disposed of within three months and during that period the Execution Case No. 06 of 2011 is stayed.

Having considered the submission of both sides, further proceeding of Execution Case No. 06 of 2011 is stayed for four months with a direction to the learned Additional District Judge-VII to hear the appeal on day do day basis from the next date fixed in the appeal and decide the appeal itself within four months from the next date fixed in the appeal.

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

(Prabhat Kumar Jha, J)

BKS/Rajan

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