

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.426 of 2019**

1. The Union of India represented through the General Manager, NF Railway, Pandu, Assam
2. A.D.E.N./KNE, P.O. and P.S.-Kishanganj (railway compound), District-Kishanganj
3. SSE/W/KNE P.O. and P.S.-Kishanganj (railway compound), District-Kishanganj
4. IPG/KNE P.O. and P.S.-Kishanganj (railway compound), District-Kishanganj

... .. Defendants/Writ Petitioners

Versus

Sanjay Kumar Jain S/o Sri Trilok Chand Jain Resident of N.H.-31, Tegharai Ward No.08, P.S. and District-Kishanganj.

... .. Respondent

Appearance :

For the Petitioners	:	Mr.Abbas Haider, Advocate Mr. Ranjay Kumar Singh, Advocate Mr. Wasi Mohammad, Advocate
For the Respondent	:	Mr. Raghiv Ashan, Sr. Advocate Mr. Shahad Khalil, Advocate Mr. Wasi Akhtar, Advocate

**CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH
ORAL JUDGMENT**

Date : 25-07-2019

This application under Article 227 of the Constitution of India has been filed by the petitioners for setting aside the order dated 19.12.2018 passed by the learned District & Sessions Judge, Kishanganj in Title Appeal No. 8 of 2016 whereby and whereunder the petition under Order 41, Rule 5 seeking stay of execution case pending in the court of Sub-Judge-1, Kishanganj has been dismissed with a direction to the parties concerned to



proceed with the arguments in the case as the same involves the property of the Railway Board, which requires to be expeditiously disposed of.

2. The respondent is being represented through Mr. Raghiv Ahsan, learned senior advocate, who has submitted that the order impugned may be set aside and the execution case may also be stayed till the disposal of the appeal, but the appellate court should be directed to dispose of the appeal expeditiously.

3. Learned counsel appearing for the petitioner submitted that the petitioner would fully cooperate in pursuing the appeal before the appellate court and would also like that the matter be finally adjudicated at the earliest.

4. With the consent of the parties, the application is disposed of on following terms:-

(a) That the order impugned dated 19.12.2018 is set aside;

(b) That the Execution Case No. 1 of 2017 pending in the court of Sub-Judge-1, Kishanganj shall remain stayed till the disposal of Title Appeal No. 8 of 2016; and,

(c) That the District Judge, Kishanganj shall proceed with the arguments and dispose of the appeal



on merits as early as possible, preferably within three months from the date of receipt/production of a copy of the order.

(Ashwani Kumar Singh, J)

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AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	27.07.2019
Transmission Date	NA

