

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1291 of 2018**

1. Smt. Meera Devi, W/o Sri Rajesh @ Rajesh Prasad, Resident of Mohalla-Chailital, Gulzarbagh, P.S.- Alamganj, District- Patna.
2. Maya Devi, W/o Arjun Prasad, Resident of Mohalla-Mallachak More, P.O.+ P.S. +Distt. Jehanabad.
3. Manju Devi, W/o Balram Prasad, Resident of Mohalla-Nun Ka Chauraha, P.S.- Khajekalan, District- Patna.
4. Rekha Devi, W/o Ashok Prasad, Resident of Mohalla-Nagla, P.S.- Malsalami, Distt.-Patna.
5. Munni Devi, W/o Pappu Prasad, Resident of Mohalla-Khusrupur, Chattipar, P.S.- Khusrupur, Distt.-Patna.
6. Guriya Devi, W/o Manik Prasad, Resident of Mohalla-Nurdiganj, P.S.- Malsalami, Distt.-Patna.

... .. Petitioners

Versus

1. Rubi Devi, W/o Sanjay Prasad, Resident of Mohalla-Sadargali, P.S. Khajekala, Patna City, Distt.-Patna.
2. Mukesh Prasad, S/o Shibu Sao
3. Ganga Devi @ Manju Devi, W/o Mukesh Prasad,
Both Resident of Sadar Gali, P.S. Khajekala, Distt.-Patna.

... .. Respondents-Respondents

Appearance :

For the Petitioner	:	Mr. Surendra Prasad Singh, Senior Advocate Mr. Raj Dular Sah, Advocate
For the Respondents	:	Mr.

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

Date : 24-10-2019

Heard Mr. Surendra Prasad Singh, learned senior counsel for the petitioners.

2. This application under Article 227 of the Constitution of India has been filed by the petitioners challenging the order dated 18.07.2018 passed by the learned Sub Judge-VI, Patna City in Misc. Case No.8 of 2017 whereby further proceeding of Execution Case No.1 of 2016 arising out of Title Suit No.146 of



2004 has been stayed till final disposal of Misc. Case No.8 of 2017.

3. Mr. Surendra Prasad Singh, learned senior counsel appearing for the petitioners submitted instead of pressing the application on merit, he is invoking supervisory jurisdiction of this Court under Article 227 of the Constitution of India for a direction to the court below to dispose of the Misc. Case No.8 of 2017 expeditiously. He contended that only on account of a frivolous application filed by the respondent no.3, the execution proceeding of Execution Case No. 1 of 2016 has been stayed vide order dated 18.07.2018 till disposal of Misc. Case No.8 of 2017 and it is not known as to when the miscellaneous case would be finally decided.

4. Regard being had to the submissions made above and in view of the nature of the order, which I am going to pass, I do not think it expedient in the interest of justice to issue notice to the respondents as the order is not going to prejudice any of the parties to the proceeding. The learned Sub Judge-VI, before whom the Execution Case No.1 of 2016 is pending, is directed to dispose of the Misc. Case No.8 of 2017 on merits filed under Order 21 Rule 97 of the Code of Civil Procedure as early as possible, preferably within three months from the date of receipt/production of a copy of the order.



5. With the aforesaid observations, the application
is disposed of.

(Ashwani Kumar Singh, J.)

Sanjeet/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.10.2019
Transmission Date	NA

