

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1003 of 2019

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Satya Narayan Burnwal Son of Late Badri Modi @ Badri Burnwal, Resident of Village- Chandan, P.S.- Chandan, District- Banka.

... .. Petitioner/s

Versus

1. Smt. Subhadra Devi Wife of Late Badri Modi @ Badri Burnwal Resident of Village- Chandan, P.S.- Chandan, District- Banka.
2. Purusottam Barnwal, Son of Late Badri Modi @ Badri Burnwal Resident of Village- Chandan, P.S.- Chandan, District- Banka.
3. Smt. Sharada Devi, Wife of Laxmi Narayan Barnwal, Resident of Village- Chandan, P.S.- Chandan, District- Banka.
4. Laxmi Narayan Barnwal, Son of Late Badri Modi @ Badri Burnwal, Resident of Village- Chandan, P.S.- Chandan, District- Banka.
5. Mahabir Bajpai, Son of Late Jageshwar Bajpai, Resident of Village- Chandan, P.S.- Chandan, District- Banka.
6. Birendra Kumar Mandal, Son of Baijnath Mandal, Resident of Village- Chandan, P.O. and P.S.- Chandan, District- Banka.
7. Purnanad Bajpai, Son of Mahabir Bajpai, Resident of Village- Chandan, P.O. and P.S.- Chandan, District- Banka.
8. Sujata @ Sukanta Devi, Wife of Parmanand Bajpai, Resident of Village- Chandan, P.O. and P.S.- Chandan, District- Banka.
9. Smt. Babita Devi, Wife of Vidyanand Bajpai. Resident of Village- Chandan, P.O. and P.S.- Chandan, District- Banka.
10. Nityanand Bajpai, Son of Mahabir Bajpai, Resident of Village- Chandan, P.O. and P.S.- Chandan, District- Banka.
11. Jainarayan Jha, Son of Late Yadundan Jha, Resident of Village- Chandan, P.O. and P.S.- Chandan, District- Banka.
12. Ram Prasad Modi, Son of Late Raj Kumar Modi, Resident of Village- Chandan, P.O. and P.S.- Chandan, District- Banka.
13. Bidhoi Devi, Wife of Hemlal Das, Resident of Village- Gopedih, P.O. and P.S.- Chandan, District- Banka.
14. Smt. Manju Devi, Wife of Sri Om Prakash Burnwal, Resident of Mohalla- Purani Bazar Near Chek Post of Jhanjha, P.O. and P.S. - Jhanjha, District- Jamui.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.S.S.Dwivedi, Sr. Advocate
Mr. Parth Gaurav
Mr. S. Mishra

For the Respondent/s :

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CORAM: HONOURABLE MR. JUSTICE VIKASH JAIN



ORAL JUDGMENT

Date : 13-02-2020

Heard learned Senior Counsel for the petitioner.

2. The present petition has been filed *“for issuance of a direction to the learned 1st Subordinate Judge, Banka to dispose of the Execution Case No. 09 of 2015 pending in the Court for four years without passing any order.”*

3. Learned Senior Counsel Mr. S.S. Dwivedi submits that even though final decree was prepared on 26.08.2014, for execution of which the plaintiff/petitioner filed Execution Case No. 9 of 2015, delivery of possession with respect to the allotment made to his *takhta* is yet to be effected even after lapse of more than four years. It is stated that no doubt F.A. No. 209 of 2014 has been filed by the appellant against the final decree, but the plaintiff/petitioner is entitled to the fruit of the decree.

4. Having regard to the nature of the grievance of the plaintiff/petitioner and that the execution case has remained pending for more than four years, the petition is disposed of with the observation that the learned Court below may, having regard to any exigencies obtaining in the case, consider expeditious disposal of Execution Case No. 9 of 2015, preferably within a period of four months from the date of



receipt/production of a copy of this judgment.

5. Considering the nature of the observations as above,
no notice to the respondents was considered necessary.

(Vikash Jain, J)

Chandran/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	14.02.2020
Transmission Date	NA

