

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.472 of 2020**

Geeta Devi W/o Ajay Kumar Singh, Resident of Village- Bidupur Dih, P.O.- Bidupur Bazar, P.S.- Bidupur, District- Vaishali at presently residing at Jahangirpur, Katharia Road, Near Yogi Ashthan Ward No. -13, Bidupur, Vaishali.

... .. Petitioner/s

Versus

Kamlesh Kumar Singh S/o Late Bhup Narain Singh, Resident of Village- Bidupur, P.S.- Bidupur, P.O.- Bidupur, District- Vaishali.

... .. Respondent/s

Appearance :

For the Petitioner/s : Rina Sinha, Advocate
For the Respondent/s : Mr.

**CORAM: HONOURABLE MR. JUSTICE NAWNEET KUMAR
PANDEY**

ORAL ORDER

3 01-12-2021 Heard learned counsel for the petitioner.

Learned counsel for the petitioner is directed to remove all the defects pointed out by the office within one month.

Learned counsel for the petitioner has submitted that in Title Suit No. 602/2011, a decree was passed in favour of the plaintiff-petitioner. The decree holder filed Execution Case No.05 of 2013 in order to execute that decree. Meanwhile, the respondent filed miscellaneous case against the *ex parte* decree as Miscellaneous Case No. 2/2016. As per submission of the learned counsel for the petitioner, Miscellaneous Case No.2/2016, which was filed to set aside the *ex parte* decree, was also dismissed, but the learned counsel has not mentioned the



date on which the application was dismissed. She has also submitted that the order dated 29.06.2016 passed by the court below in Execution Case No. 05 of 2013 shows itself that the learned Executing Court has rejected the petition of the judgment debtor for making a prayer of stay of the proceeding, but the execution case is still pending.

In the above-mentioned facts and circumstances, the court below is directed to dispose of the execution case, which is pending from the year 2011, as expeditiously as possible, if there is no any legal or procedural impediment in disposing thereof with.

With the above observation/direction, this civil miscellaneous application is being disposed of.

Office shall ensure that all defects are removed by the petitioner within the stipulated time mentioned hereinabove, failing which, the matter shall be brought to the notice of this Court.

(Nawneet Kumar Pandey , J)

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