

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.425 of 2022

Smt. Bhulla Devi @ Bhulli Devi W/o Baleshwar Ray, Resident of Village - Lohagir, P.O. - Lohagir, P.S. - Ujiarpur, Samastipur, District- Samastipur, Bihar.

... .. Petitioner/s

Versus

1. Most. Sunaina Devi W/o Late Ramashray Ray, Resident of Village- Bhairabnath @ Lohagir, P.O. - Lohagir, P.S. - Ujiarpur, District - Samastipur.
2. Ajablal Rai S/o Saryug Rai, Resident of Village- Bhairabnath @ Lohagir, P.O. - Lohagir, P.S. - Ujiarpur, District - Samastipur.
3. Satrugan Rai S/o Dhanpat Rai, Resident of Village- Bhairabnath @ Lohagir, P.O. - Lohagir, P.S. - Ujiarpur, District - Samastipur.
4. Ram Bahadur Rai S/o Ram Jatan Rai, Resident of Village- Bhairabnath @ Lohagir, P.O. - Lohagir, P.S. - Ujiarpur, District - Samastipur.
5. Lal Bahadur Rai Son of Ram Jatan Rai, Resident of Village- Bhairabnath @ Lohagir, P.O. - Lohagir, P.S. - Ujiarpur, District - Samastipur.
6. Dhanki Rai Son of Ram Jatan Rai, Resident of Village- Bhairabnath @ Lohagir, P.O. - Lohagir, P.S. - Ujiarpur, District - Samastipur.
7. Dhanki Rai Son of Late Fudan Rai, Resident of Village - Hasanpur Sagama @ Chaita (South), P.O. - Chaita, P.S. - Angarghat, District - Samastipur.
8. Ram Bahadur Rai Son of Late Fudan Rai, Resident of Village - Hasanpur Sagama @ Chaita (South), P.O. - Chaita, P.S. - Angarghat, District - Samastipur.
9. Ram Ekbal Rai Son of Sheetal Rai, Resident of Village - Bhairabnath @ Lohagir, P.O. - Lohagir, P.S. - Ujiarpur, District - Samastipur, Bihar.
10. Ram Dular Rai Son of Sheetal Rai, Resident of Village - Bhairabnath @ Lohagir, P.O. - Lohagir, P.S. - Ujiarpur, District - Samastipur, Bihar.
11. Ram Shobhit Rai Son of Ramnandan Rai Resident of Village - Bhairabnath @ Lohagir, P.O. - Lohagir, P.S. - Ujiarpur, District - Samastipur, Bihar.
12. Mahendra Rai Son of Ramnandan Rai, Resident of Village - Bhairabnath @ Lohagir, P.O. - Lohagir, P.S. - Ujiarpur, District - Samastipur, Bihar.
13. Ram Bilas Rai Son of Ramnandan Rai, Resident of Village - Bhairabnath @ Lohagir, P.O. - Lohagir, P.S. - Ujiarpur, District - Samastipur, Bihar.
14. Ram Bahadur Rai Son of Late Ugrah Rai, Resident of Village - Bhairabnath @ Lohagir, P.O. - Lohagir, P.S. - Ujiarpur, District - Samastipur, Bihar.
15. Uttama Devi W/o Late Ramswaroop Rai, Resident of Village - Bhairabnath @ Lohagir, P.O. - Lohagir, P.S. - Ujiarpur, District - Samastipur, Bihar.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Abhay Shankar Singh
For the Respondent/s : Mr.



CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 03-11-2022 Heard learned Counsel for the petitioner.

The petitioner filed Title Suit No. 09 of 2009, which was decreed in favour of the petitioner ex-parte by judgment and decree, dated 05.06.2012 and 18.06.2012, respectively and thereafter the petitioner filed Execution Case No. 01 of 2015 on 20.03.2015. The defendant-respondents, after filing of the execution case, filed a Misc. Case No. 01 of 2016 on 04.02.2016, under Order IX Rule 13 of the Code of Civil Procedure for setting aside the ex-parte decree and the said miscellaneous case was admitted on 17.02.2016.

The limited prayer of the petitioner is that due to the pendency of the miscellaneous case for a long period, i.e. for about six-seven years, the petitioner is not in a position to enjoy the fruits of the decree inasmuch as the execution case has been stayed after filing of the miscellaneous case by the respondents-judgment debtors. Thus, the prayer of the petitioner is that the learned Munsif, Dlasingsarai, Samastipur, be directed to dispose the Misc. Case No. 01 of 2016 in accordance with law within a stipulated period of time.

Having heard learned Counsel for the petitioner and taking into consideration the fact that miscellaneous case is



pending for the last six-seven years, accordingly, the concerned Court is requested to dispose the Misc. Case No. 01 of 2016 expeditiously, preferably within a period of six months from the date of receipt/production of a copy of this order.

It is further made clear that the learned Court below shall not grant any unnecessary adjournment(s) to either parties.

This application is disposed with the aforesaid observation and direction.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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