

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.520 of 2022

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Jitendra Narain Son of Late Rabindra Narain Agrawal resident of P.O. Begusarai, P.S. Sub Registry, District - Begusarai.

... .. Petitioner/s

Versus

1. Vinod Rajan Son of Late Bhupendra Singh, Resident of Village Panhas, P.S. Suhirdnagar, P.S., Sub Registry, Sub Division and District- Begusarai.
2. Sanjeev @ Kakoo Singh Son of Late Ramashray Singh, Resident of Village Panhas, P.S. Suhirdnagar, P.S., Sub Registry, Sub Division and District- Begusarai.
3. Rajeev Ranjan, Son of Late Ramashray Singh, Resident of Village Panhas, P.S. Suhirdnagar, P.S., Sub Registry, Sub Division and District- Begusarai.
4. Mukesh Kumar, Son of Late Ramashray Singh, Resident of Village Panhas, P.S. Suhirdnagar, P.S., Sub Registry, Sub Division and District- Begusarai.
5. Bibha Kumari daughter of Late Ramashray Singh, Resident of Village Panhas, P.S. Suhirdnagar, P.S., Sub Registry, Sub Division and District- Begusarai.
6. Ram Asho Singh Son of Late Jado Singh resident of Village and P.O. Rajaura, P.S. Sub Registry, Sub Division and District - Begusarai.
7. Ram Pukar Singh, Son of Late Baldeo Singh, resident of Village Karjan, P.S. Badh, District - Patna.
8. Rajeev Kumar Agrawal Son of Late Arbind Kumar Agrawal Resident of P.O. Begusarai, P.S. Sub Registry, District - Begusarai.
9. Sanjeev Kumar Agrawal, Son of Late Arbind Kumar Agrawal, resident of P.O. Begusarai, P.S. Sub Registry, District - Begusarai.
10. Mridula Mansinghka daughter of Late Arbind Kumar Agrawal resident of P.O. Begusarai, P.S. Sub Registry, District - Begusarai.
11. Ramjee Prasad Sharma, Son of Late Rameshwar Sharma, resident of Village and P.S. Ballia, Sub Division and District - Begusarai.
12. Kapildeo Narayan Singh Son of Late Ram Kishun Singh, resident of Village Lohatol Sitab Diara, District - Chapra.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Kishore Verma, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 09-11-2022 Heard Mr. Jitendra Kishore Verma, learned counsel
for the petitioner.



2. Learned counsel for the petitioner submits that petitioner is the owner of the property involved in Title Eviction Suit No. 57/41/1974/1982 which has been made subject matter of Title Suit No. 35/1984 filed by the respondent/plaintiff/judgment debtor in the eviction suit.

3. Learned counsel further submits that after passing of the eviction decree the petitioner filed an execution case and on the prayer of the respondent/plaintiff in Title Suit No. 35 of 1984, the execution of the eviction decree has been stayed by the trial court *vide* order dated 20.03.1986. Accordingly, his submission is that the petitioner filed a petition before the trial court for vacating the stay on the basis judgment passed by the Supreme Court in the case of ***Asian Resurfacing of Road Agency Pvt Ltd v. Central Bureau of Investigation*** as reported in ***2020(6) BLJ SC 487: 2018(2)PLJR (SC) 329***. The petition filed by the petitioner for vacating the stay granted by the lower court in Title Suit 35 of 1984 is still pending and no decision has been taken by the concerned court since 14.05.2018.

4. In this writ petition the petitioner has also prayed that after a lapse of about 37 years, the suit has not been decided and it is at its primitive stage. As such, the prayer is to decide



the stay vacating petition within reasonable time period and the trial of the suit may be expedited.

5. Taking into consideration the nature of prayer of the petitioner and the judgment of Hon'ble Supreme Court (Supra), the learned trial court is directed to dispose the stay vacating petition filed by the petitioner first and thereafter, he is directed to take steps for expediting the disposal of the title suit on its own merit within one month.

6. The petition stands disposed of.

7. The Interlocutory Application No. 01/2022 also stands disposed of.

(Anil Kumar Sinha, J)

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