

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.135 of 2020

Shakuntala Devi, W/o Shri Sita Ram Singh Resident of Village- Gabhtar, P.S.-
Danapur, District- Patna.

... .. Petitioner

Versus

1. Sona Devi W/o Shri Ram Nath Mehta Resident of Mohalla- Makhaniakuan,
P.S.- Pirbahore District- Patna.
- 2.1. Sri Basudeo Prasad @ Munna Mahto (son), son resident of Gabhtar, Akhara
Road, P.S.-Danapur, District-Patna.
- 2.2. Smt. Reeta Devi, Daughter, wife of Sri Bharat Prasad Mandal, resident of
not known, Munger.
- 2.3. Smt. Munni Devi, Daughter, Wife of Sri Ashok Prasad, resident of
Dhawalpura, P.S.-Begumpur, District-Patna.

... .. Respondent

Appearance :

For the Petitioner/s	:	Mr. Vinay Kumar, Adv.
For the Respondent/s	:	Mr. J.S. Arora, Sr. Adv. Mr. Manoj Kumar, Adv.

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

ORAL ORDER

9 24-03-2022 Heard learned counsel for the petitioner as well as learned
senior counsel for the respondent.

For execution of the decree in Title Suit No. 73 of 1974,
two different execution petitions were filed as Execution Case No. 01
of 2015 and Execution Case No. 02 of 2015.

It is admitted fact that petitioner has appeared in
Execution Case No. 02 of 2015 and he is contesting in Execution
Case No. 01 of 2015. He has filed a petition to set aside the order
dated 16.04.2016, whereby the execution proceeding was proceeded
ex parte against the petitioner.

The learned trial court amalgamated Execution Case No.
01 of 2015 with Execution Case No. 02 of 2015.



Learned counsel for the petitioner has submitted that there was no prayer in Execution Case No. 01 of 2015 to amalgamate it with Execution Case No. 02 of 2015.

On the other hand, Mr. J.S. Arora, the learned senior counsel for the respondent has submitted that partition suit was instituted in the year 1974. The preliminary decree was passed in the year 1978 and the final decree was delayed for a period of 36 years and it was passed in the year 2014 due to dilatory tactics by the petitioner.

It appears that for the sake of convenience the learned trial court has amalgamated the Execution Case No. 01 of 2015 with the Execution Case No. 02 of 2015. Due to this amalgamation what hardship has been caused to the petitioner has not been explained.

I do not see any reason to interfere with the present order. Accordingly, this civil miscellaneous petition is being dismissed.

The executing court is directed to execute the decree within a period of two months unless prevented by extremely unavoidable circumstances.

(Nawneet Kumar Pandey, J)

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