

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.2190 of 2017

1. Indu Bala Devi, Wife of Late Ram Naresh Prasad
2. Subodh Kumar Sinha
3. Pramod Kumar Sinha
4. Pankaj Kumar Sinha, All Sons of Late Ram Naresh Prasad
5. Babita Kumari
6. Kumari Sweety, Both Daughter of Late Ram Naresh Prasad, All are Resident of Mohalla-Vishnupad, Vaidyanath Baithak Lane, Police Station-Vishnupad and District-Gaya.

... .. Petitioner/s

Versus

1. Archana Devi, Daughter of Parshuram Vaidya and Wife of Birendra Kumar Pathak
2. Birendra Kumar Pathak, Son of Ramesh Pathak, Both Resident of Village-Anarut, Police Station-Dobhi, District-Gaya at Present Resident of Village-Karshill, Police Station-Civil Lines, District-Gaya
3. Damodar Lal Bhaiya Son of Late Laxman Lal Bhaiya
4. Dipulal Bhaiya
5. Raju Lal Bhaiya
6. Tinku Lal Bhaiya
7. Baua Lal Bhaiya, All are sons of Damodar Lal Bhaiya, Resident of Village-Mohalla- Karshilli, Police Station-Vishnupad, District-Gaya

... .. Respondent/s

Appearance :

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

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 18-04-2023 Heard learned counsel for the petitioners.

2. This application has been filed for issuance of appropriate writ or writs for setting aside the order dated 22.07.2017 passed by the learned Sub Judge-I, Gaya in Execution Case No. 1 of 2009, whereby and whereunder the



petition dated 20.02.2016 and 05.03.2016 are rejected.

3. Learned counsel for the petitioners submits that vide impugned order dated 22.07.2017 liberty was given to the decree holders/petitioners to file fresh petition for issuance of writ of delivery of possession after proper adjudication of the questions involved in the application under Order XXI Rule 97 CPC, which has been registered as Misc. Case 07 of 2016.

4. Learned counsel for the petitioners submits that the suit is of year 2002 and the execution petition is pending since 2009. However, due to filing of this Miscellaneous Case No. 07 of 2016, writ of delivery of possession has not been issued. Accordingly, he prayed to dispose of this case with observation for early disposal of the said Miscellaneous Case No. 07 of 2016 pending in the court of learned Sub Judge- I, Gaya.

5. Considering the facts and circumstances of the case and prayer of the learned counsel for the petitioners, this case is disposed of with the observation that the court below will take all the possible steps for early disposal of the Miscellaneous Case No. 07 of 2016.

(Sunil Dutta Mishra, J)

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