

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.263 of 2023

1. Hreram Nonia, aged about 51 years, Male.
2. Dara Nonia @ Dara Chauhan, aged about 40 years, Male.
3. Chhote Lal Nonia, aged aboutd 32 years, Male.
All sons of Late Deomuni Nonia.
4. Sarli Devi, aged about 72 years, Female Wife of Late Deomuni Nonia.
5. Butani Devi, aged about 55 years, Female Wife of Late Mahangu Nonia.
6. Tufani Nonia, aged about 33 years, Male Son of Late Mahangu Nonia.
7. Raushani Devi, aged about 70 years, Female Wife of Late Moti Nonia.
8. Dwarika Nonia, aged about 50 years, Male.
9. Lalu Nonia @ Lallu Nonia, aged about 40 years, Male.
Both Sons of Late Moti Nonia.
10. Upendra Prasad, aged about 41 years, Male.
11. Rama Nandan Prasad, aged about 30 years, Male.
12. Shyam Nandan Prasad, aged about 26 years, Male.
All sons of Late Nirmal Nonia @ Nirmal Prasad.
All residents of Village Sarenja, P.S. Rajpur District- Buxar.

... . Petitioner/s

Versus

1. Sudamiya Devi Wife of Late ram Chandra Nonia.
2. Lal Babu Chauhan.
3. Chhotak Chauhan.
4. Dhanu Chauhan.
All sons of Late Ram Chandra Nonia.
5. Manju Devi.
6. Sangita Devi.
7. Lala Devi.
8. Kopa Devi.
All daughters of Late Ram Chandra Nonia.
9. Bhuwaneshwar Nonia.
10. Muneshwar Nonia.
Both sons of Late Shiv Pujan Nonia.
All residents of Village Sarenja, P.S. Rajpur District- Buxar.
11. The State of Bihar through the Principal Secretary Department of Revenue,
Government of Bihar, Patna.
12. The Collector Buxar.

... ... Respondent/s



Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Respondent/s : Mr.Md. Khurshid Alam, AAG 12

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

2 27-03-2023 Heard learned counsel for the petitioners and learned
counsel for the State.

2. This Civil Miscellaneous application has been filed for setting aside the order dated 18.10.2022 / 03.11.2022 passed in Execution Case No. 01 of 1994 by the learned Sub-Judge IV, Buxar who has rejected the petition dated 14.06.2022 filed on behalf of the petitioners/Judgment debtors under Section 47 read with Section 151 of the Code of Civil Procedure.

3. Learned counsel for the petitioners submits that Miscellaneous Case No. 50 of 2022 has been filed for restoration of Title Appeal No. 22 of 1994 which is pending in the Court of learned Additional Sessions Judge, III, Buxar for final hearing and in the meantime the execution proceeding is in progress despite the fact that the said execution proceeding was earlier stayed by the appellate Court. Accordingly, he submits that it is in the interest of justice that the said Miscellaneous Case may be disposed of expeditiously.

4. Accordingly, he submits that this case may be disposed of with observation for expeditious disposal of the said Miscellaneous Case No. 50 of 2022.



5. Learned counsel for the State has no objection.

6. In view of the submission of learned counsel for the petitioners and in the interest of justice, this case is disposed of with the direction to the learned Additional Sessions Judge-III, Buxar for early disposal of Miscellaneous Case No. 50 of 2022 in accordance with law.

(Sunil Dutta Mishra, J)

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