

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.369 of 2017

1. Bimla Devi Wife of Late Rajgrih Ojha.
2. Siyaram Ojha, Son of Late Nand Kishore Ojha.
3. Most. Puspa Devi, Wife of late Sri Ram Ojha,
4. Manoj
5. Saroj Both sons of Late Sri Ram Ojha.
6. Puja Kumari, Daughter of Late Sri Ram Ojha.
7. Markandey Ojha, Son of Late Dadan Ojha.
8. Chandradeep Ojha, Son of Late Dadan Ojha.
9. Jangali Ojha, Son of Late Dadan Ojha.
10. Shashi Shekhar Ojha, son of late Dadan Ojha.
11. Punam Devi, Wife of Late Om Prakash Ojha.
12. DinDayal Ojha, Son of Late Ramjee Ojha,
13. Gopalji Ojha.
14. Nepal Ojha.
15. Dhanpal Ojha, All Sons of Late Parsuram Ojha.
16. Tuntun Ojha @ Abhishekh Ojha, Son of Late Rajgrihi Ojha, All are resident of Village Post office- Barka Singhanpura, Police Station- Simari, District- Buxar.
17. Tara Devi, Daughter of Late Rajgrihi Ojha, Wife of Mahendra Dubey, Resident of Village Post office- Simari, District- Buxar.
18. Babloo Devi, Daughter of Late Rajgrihi Ojha, Wife of Santosh Tiwary, Resident of Village- Surawana, Police Station- Dumraon, District- Buxar.
19. Pinki Devi, Daughter of Late Shree Ramphal, Wife of Vijay Pandey, Resident of Village- Asha Purani, Police Station- Simari, District- Buxar.

... .. Petitioners

Versus

1. Most. Deo Kumari Wife of Late Shivmandir Ojha.
2. Anil Kumar Ojha, Son of Late Shivmandir Ojha.
3. Mithilesh Ojha, Son of Late Shivmandir Ojha.
5. Dineshwar Ojha, Son of Late Kedar Ojha.
6. Harendra Ojha, Son of Late Kedar Ojha.
7. Rajendra Ojha, Son of Late Kedar Ojha. Both are Minor under the guardianship of Mother Nand Kumari Devi.
8. Nirmala Devi,
9. Meena Devi. Both D/o Late Nand Kishore Ojha, All are Resident of Village Post Office- Chotka Singhanpura, Police Station- Simari, District- Buxar.
10. Shyam Narayan Ojha, Son of Late Kapildev Ojha.



11. Akhilesh Ojha, Son of Late Kapildev Ojha.
12. Most. Sunita, Wife of Late Venkatesh Ojha.
13. Santoo Ojha, son of Late Venkatesh Ojha.
14. Most. Savitri Devi, Wife of Late Mithilesh Ojha.
15. Manoj Kumar Ojha, Son of late Mithilesh Ojha.
16. Shashi Kant Ojha, Son of Late Mithilesh Ojha.
17. Saroj Devi, Daughter of Late Mithilesh Ojha.
18. Shivnandan Ojha, son of Late Ran Vyash Ojha.
19. Sita Devi, Wife of Late Hari Nandan Ojha.
20. Shyam Kant Ojha.
21. Shiva Kant Ojha. Both Sons of Late Hari Nandan Ojha.
22. Ram Bihari Ojha, son of Late Jangli Ojha.
23. Hare Ram Ojha, Son of late Awadh Bihari Ojha.
24. Muna Ojha, son of Dhela Ojha. All Resident of Village Post Office- Barka Singhanpura, Police Station- Simari, District- Buxar.
25. Swami Nath Mishra.
26. Kashi Nath Mishra. Both Sons of Late Kedar Mishra.
27. Hare Ram Mishra,
28. Jairam Mishra.
29. Bharat Mishra. All are sons of Swami Nandan Mishra.
30. Chandan Mishra.
31. Tribhuwan Mishra. Both sons of Late Lakshman Mishra.
32. Shail Kumari, Wife of Late Basisth Mishra.
33. Amar Nath Mishra, Son of Late Ram Bachan Mishra.
34. Gajadhar Mishra, Son of Kanhijee Mishra.
35. Rajgirhi Mishra.
36. Ramgirhi Mishra, Both sons of Jagnath Mishra.
37. Suraj Bandan Mishra, Son of Ram Pujan Mishra.
38. Bhagwan Mishra.
39. Buchan. Both sons of Ram Badan Mishra.
40. Devendra Mishra.
41. Bacha Mishra.
42. Satendra Mishra. All Sons of Suraj Badan Mishra.
43. Dalla Mishra, Son of Bhuvaneshwar Mishra.
44. Ram Jee Mishra.
45. Laxman Mishra. Both Sons of Late Damari Mishra.
46. Shivjee Mishra.



47. Hrishikesh Both Sons of late Hiro Mishra.
48. Ramashankar.
49. Shiv Shankar.
50. Ravi Shankar.
51. Binay Shankar. All sons of Late Bhola Mishra.
52. Shiv Prasad Mishra, Son of Brija Mishra. All are Resident of Village- Parsounda, Post Office- Bihia, Police Station- Shahpur, District- Bhojpur.
53. Kamlawati Devi Wife of Shiv Kumar Ojha, Daughter late of Shiv Mandir Ojha Resident of Kulmanpur, Police Station- Musar, District Buxar.
54. Kanchan Devi Wife of Sanjay Choubey, Daughter of late Shiv Mandir Ojha Resident of Purana Bhojpur, Police Station-Dumraon, District Buxar.
55. Madhu Devi wife of Anup Choubey, Daughter of late Shiv Mandir Ojha Resident of Jafaliganj Baliya, Police Station- Baliya Town, District Baliya.

... .. Respondents

Appearance :

For the Petitioner/s	:	Mr. S.S. Dwivedi, Sr. Advocate Mr. Ranjan Kumar Dubey, Advocate
For the Respondent/s	:	Mr. Nikesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

13 26-06-2023 Heard learned counsel for the parties.

This Civil Miscellaneous Application has been filed against the order dated 18.01.2017 passed by learned Additional District Judge VI, Buxar in Title Appeal No. 44 of 2008 by which he has rejected the petition dated 03.11.2016 filed by the petitioner under Order 41 Rule 5 of the C.P.C. with a prayer to stay all the proceedings of the Execution Case No. 5 of 2008 pending in the Court of Sub-Judge-IIInd, Dumraon till final disposal of Title Appeal No. 44 of 2008.

Learned counsel for the respondents submits that Title Appeal No. 44 of 2008 has already been dismissed for



default vide order dated 21.06.2023 and as such, this Civil Miscellaneous Application becomes infructuous. Learned senior counsel for the petitioners submits that he shall verify the same and seeks one week time.

In this regard, learned counsel for the respondents filed the copy of the order dated 21.06.2023 passed by learned Additional District Judge -I, on 21.06.2023 in which it is stated that the appellant is not doing any pairvi in the appeal and accordingly, the said Title Appeal No. 44 of 2008 has been dismissed in default vide order dated 21.06.2023.

Considering the fact that the Title Appeal has itself dismissed then this Civil Miscellaneous Application become infructuous accordingly, the same is disposed of as infructuous. Pending I.A. if any, on record is disposed of.

(Sunil Dutta Mishra, J)

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