

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1444 of 2018

Harendra Prasad, Son of Sheo Mangal Prasad @ Shivnath Prasad, Resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran.

... .. Petitioner/s

Versus

- 1.1. Musmat Chandrawati Devi Wife of Late Gridhar Prasad resident of Village- Pokhariya Rai, P.O. Chanpatia, Police Station- Chanpatia, District- West Champaran, at present residing at Chanpatia near Marwari Dharamshala, P.O. and Police Station- Chanpatia, District- West Champaran.
- 1.2. Saurabh Kumar Son of Late Gridhar Prasad resident of Village- Pokhariya Rai, P.O. Chanpatia, Police Station- Chanpatia, District- West Champaran, at present residing at Chanpatia near Marwari Dharamshala, P.O. and Police Station- Chanpatia, District- West Champaran.
- 1.3. Sachin Kumar Son of Late Gridhar Prasad resident of Village- Pokhariya Rai, P.O. Chanpatia, Police Station- Chanpatia, District- West Champaran, at present residing at Chanpatia near Marwari Dharamshala, P.O. and Police Station- Chanpatia, District- West Champaran.
- 1.4. Sunita Kumari Daughter of Late Gridhar Prasad resident of Village- Pokhariya Rai, P.O. Chanpatia, Police Station- Chanpatia, District- West Champaran, at present residing at Chanpatia near Marwari Dharamshala, P.O. and Police Station- Chanpatia, District- West Champaran.
- 1.5. Sabita Devi Daughter of Late Gridhar Prasad, Wife of Dheeraj Kumar Resident of Village- Bagaha-2, P.O. and Police Station- Bagaha, District- West Champaran.
- 1.6. Surabhi Kumari Daughter of Late Gridhar Prasad, Wife of Vijay Kumar Resident of Adapur, P.O. and Police Station- Adapur, District- East Champaran.
- 1.7. Sweta Devi Daughter of Late Gridhar Prasad, Wife of Om Prakash Prasad @ Guddu Resident of Chanpatia near Marwari Dharamshala, P.O. and Police Station- Chanpatia, District- West Champaran.
2. Anon Kuwar, Wife of Late Kashilal Resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran, at present Village Chanpatia Bazar, P.O.- Chanpatia, P.S.- Chanpatia, District- West Champaran.
3. Abhishek Kumar, Son of Late Kashilal, Resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran, at present Village Chanpatia Bazar, P.O.- Chanpatia, P.S.- Chanpatia, District- West Champaran.
4. Abinash Kumar, Son of Late Kashilal, Resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran, at present Village Chanpatia Bazar, P.O.- Chanpatia, P.S.- Chanpatia, District- West Champaran.
5. Ludhurayanu Kumari, Daughter of Late Kashilal, Resident of Village-



- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran, at present Village Chanpatia Bazar, P.O.- Chanpatia, P.S.- Chanpatia, District- West Champaran.
6. Bina Kuwar, Wife of Late Kishori Lal, Resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran, at present Village Chanpatia Bazar, P.O.- Chanpatia, P.S.- Chanpatia, District- West Champaran.
 7. Nehal Kumar, Son of Late Kishori Lal, Resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran, at present Village Chanpatia Bazar, P.O.- Chanpatia, P.S.- Chanpatia, District- West Champaran.
 8. Bitu Kumar, Son of Late Kishori Lal, Resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran, at present Village Chanpatia Bazar, P.O.- Chanpatia, P.S.- Chanpatia, District- West Champaran.
 9. Bijay Kumar, Son of Late Dhananjay Prasad, Resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran, at present Village Chanpatia Bazar, P.O.- Chanpatia, P.S.- Chanpatia, District- West Champaran.
 10. Pyari Devi, Wife of Late Dhananjay Prasad, Resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran, at present Village Chanpatia Bazar, P.O.- Chanpatia, P.S.- Chanpatia, District- West Champaran.
 11. Raj Kumari, Daughter of Late Dhananjay Prasad, Wife of Baliram Bhagat, Resident of Mohalla- Bhagalpur, P.S.- Bhagalpur, District- Bhagalpur.
 12. Saraswati Devi, Wife of Sheo Kumar Prasad, Resident of Village- Malahi, P.S.- Govindganj, P.O.- Malahi, District- East Champaran, at present Mohalla- Koiri Tola, P.S.- Raxaul, District- East Champaran.
 13. Nagendra Prasad, Son of Jagat Prasad, Resident of Village- Katkenawa, P.S.- Raxaul, District- East Champaran.
 14. Usha Devi, Wife of Late Gopichand Prasad, resident of Village- Sathi, P.S.- Lauria, District- West Champaran.
 15. Guddu Kumar, Son of Late Gopichand Prasad, resident of Village- Sathi, P.S.- Lauria, District- West Champaran.
 16. Juli Kumari, Daughter of Late Gopichand Prasad, at present resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran.
 17. Pinki Devi, Daughter of Late Gopichand Prasad and Wife of Sanjay Kumar, Resident of Village- Musahi Khadda, P.S.- Nautan, District- West Champaran.
 18. Uma Shankar Prasad, Son of Bharat Prasad, resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran.
 19. Sri Kanaiya Prasad, Son of Late Dharichhan Prasad, resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran.



20. Om Prakash Prasad, Son of Late Dharichhan Prasad, resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran.
21. Shambhu Prasad, Son of Late Dharichhan Prasad, resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran.
22. Lalmati Devi, Wife of Late Dharichhan Prasad, resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran.
23. Manoj Kumar, Son of Late Dinanath Prasad, resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran.
24. Sunil Kumar, Son of Late Dinanath Prasad, resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran.
25. Bitu Kumar, Son of Late Dinanath Prasad, resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran.
26. Sheela Devi, Wife of Late Dinanath Prasad, resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran.
27. Rekha Kumari, Daughter of Late Dinanath Prasad, resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran.
28. Raji Kumari, Daughter of Late Dinanath Prasad, resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran.
29. Bina Kumari, Daughter of Late Dinanath Prasad, Wife of Hira Lal Prasad, Resident of Village- Tamkuhi, P.S.- Tamkuhi, District- Tamkuhi Uttar Pradesh.
30. Satish Kumar, Daughter of Late Thagiya Kuwar @ Late Satya Deo Prasad, Resident of Mohalla- Chhawani Chanpatia Road, Bettiah, Banuchhappar, P.O.- Bettiah, P.S.- Manuapul, District- West Champaran.
31. Dharamshila Devi, Daughter of Late Thagiya Kuwar, Wife of Arun Kumar Gupta, Resident of Village- Raghunathpur Pipal Chowk, P.S.- Turkaulia, District- East Champaran.
32. Punam Devi, Daughter of Late Thagiya Kuwar, Wife of Krishna Kumar, Resident of Mohalla- Chhawani Chanpatia Road, Ward No.3, Bettiah, P.S.- Manuapul, District- West Champaran.
33. Srimati Shanti Devi, Wife of Bhagat Prasad, Daughter of Late Dharichhan Prasad, Resident of Korwa Parsauni, P.S.- Birganj, District- Parsa Nepal.
34. Parmila Devi, Wife of Suresh Prasad, Daughter of Late Dharichhan Prasad, Resident of Village- Bagaha, P.S.- Bagaha, District- West Champaran.
35. Lilawati Devi, Daughter of Late Shiv Mangal Prasad, Resident of Village- Pokharia Rai Tappa Khadda, Pargana Majhauwa, P.O.- Pokharia Rai, Police Station- Chanpatia, District- West Champaran.



... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Brij Kishor Mishra, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE SUNIL DUTTA MISHRA
ORAL ORDER

6 31-01-2023 Heard learned counsel for the petitioner.

The present application has been filed for setting aside the order dated 23.07.2018 passed by the learned Sub-Judge-1st, West Champaran at Bettiah in Final Decree Case No. 05 of 2005 by which the learned Sub-Judge has appointed Survey Knowing Pleader Commissioner to carve out the share in accordance with the judgment and decree dated 21.02.1972 and 24.03.1972 respectively passed in Partition Suit No. 109 of 1962/34 of 1969 by the learned 2nd Additional Subordinate Judge, Motihari.

Learned counsel for the petitioner, at this stage, submits that the execution is pending since 2005 which is required to be disposed of expeditiously and as such he prays to dispose of this case with the direction to the court below to dispose of the pending execution case expeditiously.

From the perusal of the record, it appears that the judgment was passed on 21.02.1972 by the learned 2nd Additional Subordinate Judge, Motihari, District – East Champaran and decree was prepared on 24.03 1972 and the



execution of the said decree is pending since 2005.

Accordingly, as prayed for, this Civil Miscellaneous petition is disposed of with the direction to the learned Executing Court to expedite the disposal of Execution Case in accordance with law.

(Sunil Dutta Mishra, J)

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