

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1227 of 2017

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Rajendra Mishra Son of Late Jai Narain Mishra, resident of Dr. Narain Prasad Lane, Mohalla- Nanmuhian, P.S. Alamganj, District Patna.

... .. Petitioner/s

Versus

1. The State Of Bihar
2. The Town Commissioner Patna Municipal Commissioner Maurya Complex Patna.
3. The Executive Engineer Pramandal B Maurya Complex Patna Municipal Corporation, Patna.
4. The Sub Judge IV Civil Court Patna.
5. The D.C.L.R. Sadar, Patna.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	In person
For the State	:	Ms. Nutan Sahay, AC to AAG-12
For the PMC	:	Mr. Yashraj Bardhan, Advocate,
For Civil Court Patna	:	Mr. Satyabir Bharti, Advocate

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 19-06-2024 Heard the petitioner in person, Ms. Nutan Sahay, learned AC to AAG-12 for Respondents No. 1 & 5, Mr. Yashraj Bardhan, learned counsel for Respondents No. 2 and 3 and Mr. Satyabir Bharti, learned counsel for Respondent No.4.

2. After some argument, the petitioner/decreed holder restricts his prayer to seeking direction to the learned executing court, where Execution Case No. 08 of 1998/03 of 2016 has been pending, to dispose of the Execution Case in expeditious manner.

3. Learned counsel appearing for Respondent



No.4/the Sub Judge- IV Civil Court Patna, submits that way-back in the year 2017, a counter affidavit has been filed on behalf of Respondent No.4, wherein it has been submitted that due to non compliance of the orders of the court by the decree-holder, the petitioner herein, the said execution case was dismissed for default *vide* order dated 15.03.2002. Thereafter, a Miscellaneous Case No. 02/2011 was filed on 19.01.2011 and Execution Case No. 08 of 1998 was restored. According to the information received, some of the Opposite Parties in Execution Case No. 08 of 1998 have died and the decree cannot be executed against dead persons. Further, the petitioner who is the decree-holder also requested the executing court that since the writ application had been preferred in the matter, it would not be appropriate to proceed further in Execution Case No. 08 of 1998 and order dated 11.07.2017 was passed to the same effect in Execution Case.

5. Learned counsel further submits that Execution Case is pending only because the petitioner/decreed-holder has not substituted the judgment debtors, who are now dead.

6. In the aforesaid facts and circumstances of the case and considering the submission of petitioner and also considering the antiquity of the execution case, the court



concerned is directed to take steps for disposal of the Execution Case No. 08 of 1998/03 of 2016 pending before it within six months in accordance with law. The parties concerned are directed to extend all co-operation to the learned executing court for early disposal of the case.

7. With the aforesaid observations, the present petition stands disposed of.

(Arun Kumar Jha, J)

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