

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.434 of 2024

Dilip Singh son of Ram Sagar Singh @ Sagar Singh resident of village Rajpur
Jaunapur, P.S.- Patori, District Samastipur.

... .. Petitioner/s

Versus

1. Braj Kishore Singh son of Late Babu Baleshwar Singh, resident of village Khaira, Post Office Khaira Kungi, P.S.- Bahadurpur, District Darbhanga.
2. Ram Pravesh Singh, Son of Late Asharfi Singh resident of village and P.O.- Khaira Kunji, P.S. Bahadurpur, District Darbhanga.
3. Krishna Mohan Singh, Son of Ram Pravesh Singh resident of village and P.O.- Khaira Kunji, P.S. Bahadurpur, District Darbhanga.
4. Reeta Devi, wife of Tribhuban singh, Resident of village and P.O.- Baghra, P.S.- Patori, District Samastipur.
5. Sarita Devi, wife of Sujit Singh resident of Airport Road, Krishnapuri, District Ranchi.
6. Surendra Prasad Singh, Son of Late Jamirdar Singh resident of village Sarhad Mahto P.S.- Potari, District Samastipur.
7. Vijay Shankar Kumar, Son of Surendra Prasad Singh resident of village Sarhad Mahto P.S.- Potari, District Samastipur.
8. Jai Shankar Kumar, Son of Surendra Prasad Singh resident of village Sarhad Mahto P.S.- Potari, District Samastipur.
9. Baby Kumari, Daughter of Surendra Prasad Singh resident of village Sarhad Mahto P.S.- Potari, District Samastipur.
10. Priyanka Kumari, Daughter of Surendra Prasad Singh resident of village Sarhad Mahto P.S.- Potari, District Samastipur.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	None
For the Respondent/s	:	Mr.Girish Chandra Jha, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 17-10-2024 On call, none appears for the petitioner. However,



learned counsel for respondent no. 1 is present.

2. Learned counsel for respondent no. 1 submits that Execution Case No. 05 of 2013 has been disposed of on 11.07.2024 and this fact has been brought on record on the last of hearing, i.e., on 26.09.2024.

3. Perusal of record shows the learned counsel for the petitioner was present on the last date of hearing and short time was sought for seeking instruction in the matter.

4. Photocopy of the order sheet of execution proceeding has been placed before this Court for perusal and from the order sheet it appears that delivery of possession has already taken place on 11.07.2024.

5. The present petition has been filed for setting aside the order dated 17.02.2024 passed in Misc. Case No. 20 of 2015 by learned Sub Judge 1st, Darbhanga, whereby and whereunder the petition dated 06.11.2023 filed under Order XXI Rule 26 read with Section 151 of the Code of Civil Procedure for staying the further proceeding of Execution Case No. 05 of 2013 till disposal of Misc. Case No. 20 of 2015 has been rejected. It appears that the execution proceeding has been completed and the matter has become infructuous.

6. In the light of aforesaid facts and circumstances,



the present petition is disposed of as having become
infructuous.

(Arun Kumar Jha, J)

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