

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.713 of 2019**

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Girish Chandra Mandal S/o Late Mitlal Mandal Resident of Mohalla-
Imambari, P.s.- Laherisarai, Distt.- Darbhanga, Bihar

... .. Petitioner/s

Versus

Md. Amanatullah Salfie @ Md. Amanatullah S/o Late Md. Leyakat Hussain
Resident of Mohalla- Imambari, P.s.- Laheriasarai, Distt.- Darbhanga, Bihar

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Dhanendra Chaubey, Adv.
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 07-10-2024 Heard learned counsel for the petitioner.

2. The present petition has been filed for setting aside the order dated 16.04.2019 passed by learned Munsif Ist, Darbhanga in Eviction Execution Case No. 06 of 1993 whereby and whereunder the learned Munsif 1st rejected the petition of the petitioner dated 02.04.2019 imposing cost of Rs.300/- and refusing to grant stay in the Execution Case till the disposal of Title Suit No. 125 of 1999 and refusing to stay the further proceeding of Eviction Execution Case No. 06 of 1993 till the disposal of the Title Suit No. 125 of 1999.

3. Learned counsel submits that during pendency of the present petition, Title Suit No. 125 of 1999 has been disposed of *vide* judgment date 12.05.2024 and decree dated 22.08.2024. Since the petitioner has come before this Court



being aggrieved by the order of the learned Munsif whereby the learned Munsif refused to accede to the prayer of the petitioner for stay till the disposal of Title Suit No. 125 of 1999, the present petition has become infructuous since Title Suit No. 125 of 1999 has already been disposed of.

4. In the circumstances, learned counsel for the petitioner submits that the petitioner may be allowed liberty to take recourse of appropriate proceeding under the provision of law available to the petitioner.

5. Since, Title Suit No. 125 of 1999 has been decreed, the present petition is disposed of as having become infructuous.

6. It goes without saying that the petitioner has always the liberty for redressal of his grievance under the appropriate provisions of law.

(Arun Kumar Jha, J)

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