

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1329 of 2019

Raja Ram Sharma Son of Jairam Maharaj, Resident of Village- Madhopur,
P.S. Didarganj, P.O. Rukanpura, District- Patna.

... .. Petitioner/s

Versus

1. Mahendra Maharaj Son of Rambriksh Maharaj, Resident of Village- Mirjapur, P.S. Didarganj, P.O. Rukanpura, District- Patna.
2. Shree Maharaj, Son of late Ram Suchit Maharaj, Resident of Village- Mirjapur, P.S. Didarganj, P.O. Rukanpura, District- Patna.
3. Parma Maharaj, Son of late Rambriksh Maharaj, Resident of Village- Mirjapur, P.S. Didarganj, P.O. Rukanpura, District- Patna.
4. Ramgati Maharaj, Son of late Ambika Maharaj, Resident of Village- Mirjapur, P.S. Didarganj, P.O. Rukanpura, District- Patna.
5. Rajeshwar Maharaj, Son of late Radhakishun Maharaj, Resident of Village- Mirjapur, P.S. Didarganj, P.O. Rukanpura, District- Patna.
6. Ganga Maharaj, Son of late Mohit Maharaj, Resident of Village- Mirjapur, P.S. Didarganj, P.O. Rukanpura, District- Patna.
7. Ramjanam Maharaj, Son of late Palakdhari Maharaj, Resident of Village- Mirjapur, P.S. Didarganj, P.O. Rukanpura, District- Patna.
8. Manager Maharaj, Son of late Dwarika Mahjaraj, Resident of Village- Mirjapur, P.S. Didarganj, P.O. Rukanpura, District- Patna.
9. Baijnath Maharaj, Son of Dwarika Maharaj, Resident of Village- Mirjapur, P.S. Didarganj, P.O. Rukanpura, District- Patna.
10. Goni Maharaj, Son of late Lakhman Maharaj, Resident of Village- Mirjapur, P.S. Didarganj, P.O. Rukanpura, District- Patna.
11. Sri Birbal Maharaj, Son of late Kurkut Maharaj, not known
12. Rambabu Sharma, Son of late Jagarnath Maharaj, not known
13. Ram Pravesh Sharma, Son of late Jagarnath Maharaj, not known
14. Anirudh Sharma, Son of late Baikunth Maharaj, not known
15. Sri Nandan Singh, Son of Ram Singh, Resident of Village- Mahuli, P.O. Gauharpur, P.S. Didarganj, District- Patna.
16. Lalan Singh, Son of late Ram Sunder Singh, Resident of Village Mahdopur, P.S. Didarganj, District- Patna.
17. Bihar State Electricity Board through its Chairman having its office at Vidyut Bhawan, Bailey Road, Patna.
18. The Electrical Executive Engineer, Electric Supply Division, New Punaichak Rajbansi Nagar, p.S. Rajbansi Nagar, District- Patna.
19. Asha Devi, D/o of late Madan Maharaj, Resident of Village- Madhopur, P.S. Didarganj, P.O. Rukanpura, District- Patna.
20. Rakesh Kumar, Son of late Mohan Maharaj, Resident of Village- Madhopur, P.S. Didarganj, P.O. Rukanpura, District- Patna.



21. Ramesh Kumar, Son of late Madan Maharaj, Resident of Village- Madhopur, P.S. Didarganj, P.O. Rukanpura, District- Patna.
22. Ravi Ranjan Son of late Madan Maharaj, Resident of Village- Madhopur, P.S. Didarganj, P.O. Rukanpura, District- Patna.
23. Dhanrajan Kumar Son of late Madan Maharaj, Resident of Village- Madhopur, P.S. Didarganj, P.O. Rukanpura, District- Patna.
24. Manoranjan Kumar, Son of Late Madan Maharaj, Resident of Village- Madhopur, P.S. Didarganj, P.O. Rukanpura, District- Patna.
25. Birbali Kumar Son of late Madan Maharaj, Resident of Village- Madhopur, P.S. Didarganj, P.O. Rukanpura, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Naresh Chandra Verma, Advocate
For Respondent Nos. 17 & 18: Mr. Kumar Priya Ranjan, Addl. S.C.
Mr. Sudarshan Bharadwaj, Advocate
Mr. Sandeep Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 19-11-2024 The record has been taken up on mentioning being made on behalf of the petitioner.

2. Learned counsel for the petitioner submits that the instant petition has been filed with limited prayer seeking direction to the learned Sub Judge II, Patna City to dispose of Execution Case No. 02 of 2003 at the earliest.

3. Learned counsel appearing on behalf of respondent nos. 17 and 18 submits that the execution case has been filed pursuant to ex-parte decree passed in Title Suit No. 49 of 1999 and a miscellaneous case for setting aside the ex-parte decree has been pending and this petitioner has been avoiding to participate in the proceeding before the learned trial court in miscellaneous case. However, learned counsel submits that there



is no stay in the execution proceeding.

4. Since the petitioner has approached this Court with prayer for early disposal of Execution Case No. 02 of 2003 and from submission it appears that there is no stay in the execution proceeding, I do not think that there is any need to issue notice to the other respondents.

5. Having regard to the facts and circumstances and submission made on behalf of the parties, learned Sub Judge II, Patna City is directed to dispose of Execution Case No. 02 of 2003 in terms of guidelines issued by Hon'ble Supreme Court in the case of ***Rahul S. Shah Vs. Jinendra Kumar Gandhi and Others***, reported in ***(2021) 6 SCC 418***. At the same time, learned Sub Judge II, Patna City is also directed to dispose of Misc. Case No. 02 of 2017 at the earliest preferably within a period of three months from the date of receipt/production of a copy of this order.

6. With the aforesaid directions, the present petition stands disposed of.

(Arun Kumar Jha, J)

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