

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16243 of 2015

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Shiv Nandan Mandal Son of Baldev Mandal resident of village - Ghailadh,
P.S. Ghailadh, District - Madhepura

... .. Petitioner/s

Versus

1. Sri Indradev Mandal Son of Late Munai Mandal
2. Ravindra Kumar
3. Ashok Kumar
4. Shailendra Kumar All three are sons of Sri Indradev Mandal resident of village - Ghailadh, P.S. Ghailadh, District - Madhepura

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate
For the Respondent/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 31-08-2024 The present writ petition has been filed
seeking the following reliefs:-

"1.i) For issuance of writ/writs, order/orders, direction/directions in the nature of Certiorari for quashing the impugned order dated 23.07.2015 passed in Title Eviction Case No. 6/2012 passed by the learned Sub Judge-1, Madhepura whereby and whereunder an application dated 18.12.2014 filed by the respondent/plaintiff no. 1 to 4 praying for execution of judgment and decree dated 29.09.12 and 12.10.12 for declaration of title and for rectification



of R.S. Khatiyar for adding the name of the respondent-plaintiff, in which praying for enough execute the decree through the process of the Court and for delivery of possession of the suit land, the aforesaid application has been allowed by the Civil Judge (Senior Division)-II, Madhepura while the petitioner being dissatisfied with the impugned judgment and decree dated 29.09.12 and 12.10.12 preferred by way of Title Appeal No. 31/2012 before the Judge, Senior Division Madhepura in which the title appeal was admitted on 20.04.2013 and notice was issued to the respondents no. 1 to 4 but in the meantime the respondents no. 1 to 4 have filed the Title Execution Case No. 6/2012 in which the same was allowed.

ii) For further prayer that for quashing the impugned order dated 03.09.15 passed by the learned A.D.J.-II, Madhepura passed in Title Appeal No. 31/2012 whereby and whereunder the petitioner had filed an application dated 31.05.2014 praying for stay the impugned judgment and decree dated 29.09.12 and 12.10.2012 passed in Title Suit No. 38/01 passed by the Civil Judge, Senior Division-III, Madhepura in which the aforesaid application dated



31.05.14 filed by the petitioner praying for stay has not been granted and again issued notice to the respondents no. 1 to 4/ plaintiff and directed the petitioner to deposit the special messenger cost of Rs. 250/- for summons upon the respondent no. 1 to 4/plaintiff and put up this case on 16.09.15 but in Title Execution Case No. 6/2012 under order dated 23.07.15 the Civil Judge, Senior Division-II, Madhepura has allowed the application dated 18.12.14 and put up this case on 22.09.15 to execute the decree, through the process of the court.

iii) For further prayed that during the pendency of Title Appeal No. 31/2012 stay the further proceeding in Title Execution Case No. 6/2012.

iv) For further prayer that the appellate court be directed to immediately dispose off the Title Appeal No. 31/2012."

2. At the outset, the learned counsel for the petitioner submits that he is not in disagreement with the averments made by the respondents no. 1 to 4 in I.A. No. 1 of 2024, thus the present petition has been rendered



infructuous, hence it is submitted that the present writ petition be disposed off.

3. Accordingly, the present writ petition stands disposed off.

(Mohit Kumar Shah, J)

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