

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1017 of 2023

1. Mohd. Noorullah, Son of Mohd. Zabihullah, resident of Village-Andhra, P.O. Andhra, Police Station-Adapur, District-East Champaran.
2. Mohd. Faizullah, son of Mohd. Zabihullah, resident of Village-Andhra, P.O. Andhra, Police Station-Adapur, District-East Champaran.
3. Mohd. Ruhullah, son of Mohd. Zabihullah, resident of Village-Andhra, P.O. Andhra, Police Station-Adapur, District-East Champaran.
4. Mohd. Samiullah, son of Mohd. Zabihullah, resident of Village-Andhra, P.O. Andhra, Police Station-Adapur, District-East Champaran.
5. Mohd. Quamrullah, son of Mohd. Zabihullah, resident of Village-Andhra, P.O. Andhra, Police Station-Adapur, District-East Champaran.

... .. Petitioner/s

Versus

1. Wakil Raut, son of Late Jagarnath Raut, resident of Village and P.O. Andhra, Police Station-Adapur, District-East Champaran.
2. Kalestar Raut, son of Late Jagarnath Raut, resident of Village and P.O. Andhra, Police Station-Adapur, District-East Champaran.
3. Balishar Raut, son of Late Jagarnath Raut, resident of Village and P.O. Andhra, Police Station-Adapur, District-East Champaran.
4. Indal Raut, son of Late Jagarnath Raut, resident of Village and P.O. Andhra, Police Station-Adapur, District-East Champaran.
5. Rajesh Raut, son of Late Jagarnath Raut, resident of Village and P.O. Andhra, Police Station-Adapur, District-East Champaran.
6. America Raut, son of Late Jodha Raut, resident of Village and P.O. Andhra, Police Station-Adapur, District-East Champaran.
7. Sumarawati Devi, Wife of Narayan Rai, D/o Jodha Rai, resident of Village and P.O. Andhra, Police Station-Adapur, District-East Champaran.
8. Ghoghra Devi, Wife of Praduman Rai, D/o Late Jagarnath Raut, resident of Village and P.O. Andhra, Police Station-Adapur, District-East Champaran.

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Wasi Akhtar, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 02-01-2024

Heard learned counsel for the petitioners.

2. Learned counsel for the petitioners submits that the



petitioners have filed the present petition seeking direction to the Executing Court, Sub-Judge-VI, Motihari to dispose of the Execution Case No. 2/97/39/2004 forthwith.

3. Learned counsel further submits that the first order was passed on 15.03.1983 by the Additional Sub-Judge-Vth, Motihari. Thereafter, the petitioners filed Title Appeal No. 25/21 of 1983/87 against the judgment and decree passed by the learned trial court which was set aside by the 2nd Additional District Judge, East Champaran, Motihari vide judgment and decree dated 25.11.1992. The decision of the first appellate court was upheld by the High Court in Second Appeal No. 119 of 1993, vide order dated 22.08.2000. Thereafter, defendant no.6 preferred S.L.P. (Civil) No. 599 of 2001 before the Hon'ble Apex Court and the same was dismissed vide order dated 05.02.2001. Even after passage of so much time, the executing court has not disposed of the Execution Case No. 2/97/39/2004 till date and hence, the petitioners were compelled to file the present petition seeking direction to the executing court to expeditiously dispose of the aforesaid execution case.

4. It is very unfortunate that after getting orders in their favour till the Hon'ble Apex Court, the petitioners are still seeking justice before the learned court below for getting the



decree executed.

5. Under the circumstances, learned trial court is directed to dispose of the Execution Case No. 2/97/39/2004 within a period of six months from the date of receipt/production of a copy of this order.

6. With the aforesaid observations and directions, the instant petition stands disposed of.

(Arun Kumar Jha, J)

balmukund/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	04.01.2024
Transmission Date	NA

