

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1132 of 2023

1. Most. Rukmini Devi Widow of Late Kailash Prasad Resident of Sitamarhi Bazar, Ward No.12 New, Ward No.14 (Old), Police Station and District-Sitamarhi.
2. Sunita Kumari D/o Late Kailash Prasad resident of Sitamarhi Bazar, Ward No.12 New, Ward No.14 (Old), Police Station and District-Sitamarhi.
3. Hari Shankar Prasad Son of Late Kailash Prasad resident of Sitamarhi Bazar, Ward No.12 New, Ward No.14 (Old), Police Station and District-Sitamarhi.
4. Chandra Shekhar Prasad Son of Late Kailash Prasad resident of Sitamarhi Bazar, Ward No.12 New, Ward No.14 (Old), Police Station and District-Sitamarhi.
5. Shashi Bhushan Kumar Son of Late Kailash Prasad resident of Sitamarhi Bazar, Ward No.12 New, Ward No.14 (Old), Police Station and District-Sitamarhi.

... .. Petitioner/s

Versus

1. Most Gita Devi Wife of late Mahendra Prasad Gupta resident of Sitamarhi Bazar, Ward No.12 New, Ward No.14 (Old), Police Station and District-Sitamarhi.
2. Sanjay Kumar Son of Late Mahendra Prasad Gupta resident of Sitamarhi Bazar, Ward No.12 New, Ward No.14 (Old), Police Station and District-Sitamarhi.
3. Rajiv Kumar Son of Late Mahendra Prasad Gupta resident of Sitamarhi Bazar, Ward No.12 New, Ward No.14 (Old), Police Station and District-Sitamarhi.
4. Rita Kumar D/o late Mahendra Prasad Gupta and wife of Sanjay Kumar Resident of Mohalla-Court Bazar, Ward No.13, Police Station and District-Sitamarhi.
5. Sumita Devi Wife of late Binda Sah resident of Gudari Bazar, Ward No.12 New, Ward No.14 (Old), Police Station and District-Sitamarhi
6. Sunil Kumar Son of Late Bind Sah resident of Gudari Bazar, Ward No.12 New, Ward No.14 (Old), Police Station and District-Sitamarhi
7. The State of Bihar through the Collector, Sitamarhi

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Yogendra Mishra, Sr. Counsel Ms. Swati Mishra, Advocate Mr. Anil Kumar Tiwary, Advocate
For the Respondent/s	:	Mr.Raj Kishore Roy (GP 18)

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date: 03-12-2024



The record has been taken up on mentioning being made on behalf of the petitioners.

2. The petitioners have approached this Court seeking direction to learned Additional District Judge-II, Sitamarhi to hear and dispose of the application dated 29.09.2022 filed by the petitioners in Title Appeal No. 02 of 2022 under Order 41 Rule 5 of the Code of Civil Procedure (in short 'the Code') within a stipulated time period.

3. Learned counsel for the petitioners submits that the petitioners filed application on 29.09.2022 for stay of execution proceeding of Execution Case No. 11 of 2022, arising out of judgment and decree dated 20.04.2022 passed in Title Suit No. 204 of 2006 by learned Sub-Judge I, Sitamarhi. The application under Order 41 rule 5 of the Code has been filed on 29.09.2022 but till date no orders have been passed on the said application.

4. Since, the petitioners have approached this Court with limited prayer seeking direction to the learned District Judge-II, Sitamarhi to hear and dispose of the application filed under Order 41 Rule 5 of the Code on 29.09.2022, I do not think that there is any need to issue notice to the private respondents.

5. Having regard to the facts and circumstances of the case, learned Additional District Judge-II, Sitamarhi is directed



to take up the matter showing urgency and dispose of the application dated 29.09.2022 filed under Order 41 Rule 5 of the Code by the petitioners at the earliest and dispose of the same within one month from the date of receipt/production of a copy of this order, if appearance of respondents is complete.

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

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	03.12.2024
Transmission Date	NA

