

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.408 of 2025**

=====

Smt. Janaklali Devi W/o Sri Pramod Kumar Thakur, Mohalla- G.N. Ganj,
P.O. and P.S.- Laheriasarai, District- Darbhanga.

... .. Petitioner/s

Versus

1. Most. Kamini Devi W/o Late Kedarnath Mahaseth @ Santosh Mahaseth,
Resident of Mohalla- Bakarganj, P.O. and P.S.- Laheriasarai, District-
Darbhanga.
2. Shakti Kumari D/o Late Kedarnath Mahaseth @ Santosh Mahaseth,
Resident of Mohalla- Bakarganj, P.O. and P.S.- Laheriasarai, District-
Darbhanga.
3. Bartika Kumari D/o Late Kedarnath Mahaseth @ Santosh Mahaseth,
Resident of Mohalla- Bakarganj, P.O. and P.S.- Laheriasarai, District-
Darbhanga.

... .. Respondent/s

=====

Appearance :

For the Petitioner/s : Mr.Parth Gaurav, Advocate
For the Respondent/s : Mr.

=====

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT**

Date : 25-03-2025

Record taken up on mentioning being made on behalf
of the petitioner.

2. Heard learned counsel for the petitioner and I intend
to dispose of the petition at the stage of admission itself.

3. Learned counsel for the petitioner submits that the
petitioner was plaintiff of Title Suit No. 142 of 2007 which was
decreed on 09.10.2012 by learned Sub Judge-IV, Darbhanga
directing the defendant to execute sale deed in favour of the
petitioner within two months from passing of the decree as the



suit was filed for Specific Performance of Contract. The defendant preferred Title Appeal No. 38 of 2012 in the court of learned District Judge, Darbhanga but the said appeal was dismissed on 14.08.2013 upholding the judgment and decree passed in Title Suit No. 142 of 2007. Thereafter, defendant preferred Second Appeal No. 322 of 2013 before this Court challenging the judgment and decree dated 14.08.2013 passed in Title Appeal No. 38 of 2012 by learned District Judge, Darbhanga. The said second appeal was dismissed at the stage of admission itself on 10.02.2016 by learned Single Judge of this Court. Meanwhile, the plaintiff/petitioner filed Execution Case No. 02 of 2022 in the court of learned Sub-Judge, Darbhanga and sale deed was executed in favour of decree-holder on 08.08.2016 but the delivery of possession was not handed over. Learned counsel further submits that since then 13 years have elapsed but the execution proceeding has not been concluded. The petitioner has been running from pillar to post and the learned executing court has not been following the guidelines issued by the Hon'ble Supreme Court in the case of ***Rahul S. Shah Vs. Jinendra Kumar Gandhi and Others***, reported in ***(2021) 6 SCC 418***. Learned counsel further submits that the learned executing court may be directed to dispose of



the execution proceeding within a stipulated time period.

4. Since the instant petition has been filed seeking direction to the learned executing court for disposal of the execution case of the petitioner pending before it for last 13 years within some stipulated time period, I find no need to issue notice to the respondents.

5. Having regard to the facts and circumstances, the learned Sub Judge-IV, Darbhanga is directed to dispose of Execution Case No. 02 of 2012 in terms of directions of the Hon’ble Supreme Court in the case of ***Rahul S. Shah Vs. Jinendra Kumar Gandhi and Others (supra)***.

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

(Arun Kumar Jha, J)

DKS/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	26.03.2025
Transmission Date	NA

