

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1236 of 2018

Smt. Savitri Devi W/o Sri Ramchandra Prasad, Resident of Mohalla- Math Laxmanpur, Dr. Narainpur Babu Lane, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna.

... .. Petitioner/s

Versus

1. Lalmuni Devi W/o Late Sheopujan Chaubey,
2. Santosh Kumar Chaubey,
3. Satyendra Kumar Chaubey,
4. Krishna Chaubey, All S/o Late Sheopujan Chaubey
5. Manpujan Chaubey,
6. Ramjee Chaubey,
7. Dhanpujan Chaubey, All S/o Late Baidyanath Choubey
8. Malti Devi, D/o Late Baidyanath Chaubey, W/o Tarkeshwar Dwivedi, All residents of Mohalla- Bhagirathi Lane, P.S.- Sultanganj, District- Patna.
9. Manorma Devi, W/o Late Shiv Kumar Mishra, Resident of Village- Itawa, P.S.- Hasanpur, District- Aurangabad, at present residing at Mohalla Golakpur, P.O. Bankipor, P.S. Pirbahore, District- Patna.
10. Sita Ram Mahto, S/o Narayan Mahto,
11. Chandradeep Mahto, S/o Nathuni Mahto, Both Residents of Mohalla Math Laxmanpur, P.O.- Gulzarbagh, P.S.- Alamganj, District- Patna.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr.Bal Bhushan Choudhary, Adv.
For the Respondent No.8	:	Mr.Ranjan Kumar Dubey, Adv.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 18-02-2025 Heard learned counsel for the for the petitioner and

learned counsel for respondent no. 8.

2. Learned counsel for the respondent no. 8 submits that the petitioner has filed the present petition against the order dated 02.07.2018 passed by learned Sub Judge-cum-A.C.J.M. IV, Patna City in Execution Case No. 01 of 1998 whereby and whereunder the petition dated 20.01.2018 filed by the petitioner and one Manju Devi under Order XXI Rule 29 read with section 151 of the Code of Civil Procedure (in short “the Code”) has been rejected.

3. Learned counsel for the respondent no. 8 further



submits that the petition dated 20.01.2018 was filed on the ground that a Title Suit bearing No. 48 of 2017 has been pending in the Court of learned Sub Judge and on that ground the stay was sought but the said Title Suit No. 48 of 2017 has been dismissed vide order dated 17.08.2022 by the learned Sub Judge-VI, Patna City. Moreover, the said title suit was not pending before the same parties as is required under Order XXI Rule 29 of the Code. Therefore, nothing remains in the matter.

4. Learned counsel for the petitioner submits that a miscellaneous case has been filed for restoration of the Title Suit No. 48 of 2017 which is pending for disposal.

5. In any case as there remains no substratum to sustain the claim of the petitioner and the present petition has become infructuous and is disposed of as such.

6. Petitioner is at liberty to have recourse of appropriate proceeding permissible under the law for redressal of his grievances.

7. It is made clear that there remains no stay against the proceeding of Execution Case No. 01 of 1998.

(Arun Kumar Jha, J)

Anuradha/-

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