

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.945 of 2025

Dr. Gauri Shankar Lal @ Gauri Shanker Lal S/O Late Mithu lal Rai, R/O
Quality Corner Building, Opposite Hanuman Mandir, Boring Road Chauraha,
Patna

... .. Petitioner/s

Versus

Md. Imtiyaz Hussain S/O Late Md. Arif Hussain R/O Mohalla- New Colony
Bans Kothi, Digha, Distt.- Patna, at present Ma-Ma Footware, Ground Floor,
Mithulok, Opposite Dadiala Saw Mill, West Boring Canal Road, Patna

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Kumar Pandey, Advocate
For the Respondent/s : Mr.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL JUDGMENT

Date : 06-08-2025

The record taken up on mentioning being made on
behalf of the petitioner.

2. Heard learned counsel for the petitioner.

3. The present petition has been filed only for a
direction to learned Civil Judge (Senior Division)- VIII, Patna to
dispose of the Execution Case No. 79 of 2018, in a time bound
manner.

4. The learned counsel for the petitioner submits that
the petitioner, who is decree-holder, has filed Eviction Case No.
79 of 2018 in the court of learned Civil Judge (Senior Division)-
III, Patna for execution of decree passed in Eviction Suit No.
452/2014. The learned counsel further submits that the
petitioner has filed Eviction Suit No.452/2014, which was



decreed on 04.09.2017 on the ground of personal necessity. The judgment-debtor/defendant/respondent in order to frustrate the decree firstly filed Title Eviction Appeal No. 06/2018 and kept it pending for seven years and subsequently, it was dismissed as withdrawn at his request vide order dated 28.07.2025, after the petitioner filed the present civil miscellaneous petition and thereafter the judgment-debtor filed a civil revision against the order of learned trial court. The learned counsel further submits that in this background, the learned executing court has not proceeded further in the matter emboldening the judgment debtor/respondent.

5. Since the petitioner has come before this Court with limited prayer for expeditious disposal of his execution case which is pending since 2018, I do not think there is any need to issue notice to the respondent.

6. Having regard to the facts and circumstances and submission made on behalf of the petitioner, learned executing court, i.e, Civil Judge (Senior Division)-VIII, Patna is directed to take up the Execution Case No. 79 of 2018 in all earnest and try to dispose of it at the earliest in terms of 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.

7. With the aforesaid observation/direction, the present petition stands disposed of.

(Arun Kumar Jha, J)

V.K.Pandey/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	06.08.2025
Transmission Date	NA

