

IN THE HIGH COURT OF JUDICATURE AT PATNA
CIVIL MISCELLANEOUS JURISDICTION No.1243 of 2024

M/S Scorpion Express Pvt. Ltd. having its registered office at Ashok Cinema Campus, Buddha Marg, Patna-800 001 through its authorised signatory Sri Anil Kumar, aged about 52. years, son of Sri Ram Khelawan Prasad, resident of P-15, Vidyapuri, P.S. Kankarbagh, Town and District Patna, At present Resident of Flat No. 611(A) Jeevanshree Enclave, R.P.S. More, Beli Road, Arya Samaj Mandir Road, Danapur, Dinapur cum Khagaul, P.S.- Danapur, District- Patna.

... .. Petitioner/s

Versus

1. M/S Namira Construction (Pvt.) Ltd. having its registered office at Fazal Imam Commercial Complex, Frazer Road, Patna- 800001, through its Managing Director Janab Seraj Anwar, resident of 504, Sharif Apartment, Frazer Road, P.S. Gandhi Maidan, Town and District Patna, Directors of M/s Namira Constructions (Pvt.) Ltd. Fazal Imam Commercial Complex, Frazer Road, Patna- 800001.
2. Mr. Zainul Abedin, Son of Sarffdin, resident of Patna Sunrise Plastic, Mohalla Ashok Rajpath, P.S. Pirbahore, District-Patna, Directors of M/s Namira Constructions (Pvt.) Ltd. Fazal Imam Commercial Complex, Frazer Road, Patna- 800001
3. Mr. Masihuddin Ahmad, Son of Late Mr. Serajuddin Ahmed, Resident of 504, Sharf Apartment, Frazer Road, P.S.- Gandhi Maidan, District- Patna, Directors of M/s Namira Constructions (Pvt.) Ltd. Fazal Imam Commercial Complex, Frazer Road, Patna- 800001.
4. Mr. Abu Qaiser, Son of Basar, Resident of Mohalla- Sultanganj, P.S.- Sultanganj, District- Patna, Directors of M/s Namira Constructions (Pvt.) Ltd. Fazal Imam Commercial Complex, Frazer Road, Patna- 800001.

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. J.S. Arora, Sr. Advocate Mr.Himanshu Shekhar, Advocate Mr. Rakesh Kumar, Advocate Mr. Manoj Kumar, Advocate
For the Respondent/s	:	Mr. Ajay Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 29-01-2025 Record has been taken up on mentioning being made
on behalf of the petitioner.

2. Heard learned counsel for the petitioner as well as
learned counsel for the respondents.



3. Learned senior counsel for the petitioner at the very outset submits that the petitioner does not press the prayer made in the petition and confining his submission only to the extent of early disposal of Execution Case No. 13 of 2014 pending in the court of learned Sub Judge-X, Patna. Learned counsel further submits that the learned executing court may be directed to dispose of Execution Case No. 13 of 2014 in terms of guidelines issued by Hon'ble Supreme Court in the case of ***Rahul S. Shah Vs. Jinendra Kumar Gandhi and Others***, reported in ***(2021) 6 SCC 418***, wherein the Hon'ble Supreme Court has issued certain guidelines for executing court to adhere to and has also directed that the execution proceeding must be concluded within six months.

4. Learned counsel appearing on behalf of the respondents submits that first appeal bearing First Appeal No. 126 of 2014 has been pending before this Court, since the petitioner is confining his prayer only to the extent of early disposal of the execution case he has no objection to such prayer.

5. In the light of aforesaid facts and circumstances, as the prayer of the petitioner is limited only to the extent of early disposal of Execution Case No. 13 of 2014, learned executing



court is directed to dispose of the execution case at the earliest, keeping in back of mind the guidelines issued by the Hon’ble Supreme Court in the case of **Rahul S. Shah** (*supra*).

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

(Arun Kumar Jha, J)

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