

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.995 /2020
(arising out of SLP(C)No.28041/2019)

LAXMI DEVI @ LAXMI KUMARI @ LAKSHMI KUMARI Appellant(s)

VERSUS

MANOJ PRASAD MANDAL & ANR. Respondent(s)

O R D E R

Heard Learned counsel for the parties.

Leave granted.

This appeal has been filed against the impugned Judgment/Order dated 27.08.2019 passed by the High Court of Judicature at Patna in I.A.No.8506/2018 in First Appeal No.85 of 2018.

The I.A. was filed by the appellant to stay Execution Case No.1/2018 before the Subordinate Judge No.1, Bhagalpur.

The High Court disposed of the application observing that High Court is not inclined to stay further proceedings of Title Execution Case No.01/2018 filed by the defendant No.1 in the Court of Sub-ordinate Judge, Ist , Bhagalpur at this stage. However liberty was given to the appellant to move the High Court for appropriate order by filing application in the event her possession over the suit house is going to be disturbed, in any manner.

The appeal being pending First Appeal No.85/2018 before the High Court in which the order in I.A.Nos.8506/2018 was filed.

This Court while entertaining the Special Leave Petition on 6.12.2019, directed for stay of execution case No.1/2018 pending in the Court of Subordinate Judge-1, Bhagalpur.

We are on the view that stay of execution case No.1/2018 shall continue during pendency of F.A.No.85 of 2018 and High Court may endeavour to decide the appeal at early date.

Order accordingly.

The Appeal is disposed of.

The parties are at liberty to request the High court for early disposal of the First Appeal.

..... J
[ASHOK BHUSHAN]

..... J
[NAVIN SINHA]

New Delhi;
February 04, 2020

ITEM NO.17

COURT NO.9

SECTION XVI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 28041/2019

(Arising out of impugned final judgment and order dated 27-08-2019 in IA No. 8506/2018 passed by the High Court Of Judicature At Patna)

LAXMI DEVI @ LAXMI KUMARI @ LAKSHMI KUMARI Petitioner(s)

VERSUS

MANOJ PRASAD MANDAL & ANR. Respondent(s)

IA No. 181755/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 13971/2020 - EXEMPTION FROM FILING O.T.

IA No. 13766/2020 - EXEMPTION FROM FILING O.T.

IA No. 13765/2020 - VACATING STAY)

Date : 04-02-2020 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ASHOK BHUSHAN
HON'BLE MR. JUSTICE NAVIN SINHA

For Petitioner(s) Ms. S. Janani, AOR
 Mr.Nishant Kumar,Adv.

For Respondent(s)
 Mr. Amit Pawan, AOR
 Mr.Abhishek Amritanshu,Adv.
 Mr.Anand Nandan,Adv.
 Mr.Akshat Srivastava,Adv.
 Mr.Hassan Zubair Waris,Adv.
 Mr.Rohit Rajershi,Adv.
 Ms.Shivangi,Adv.

UPON hearing the counsel the Court made the following
O R D E R

The Appeal is disposed of in terms of the signed order.

Pending application(s) stand disposed of.

(SUSHMA KUMARI BAJAJ)
SENIOR PERSONAL ASSISTANT

(RENU KAPOOR)
BRANCH OFFICER

(signed order is placed on the file)

