

IN THE HIGH COURT OF JHARKHAND AT RANCHI
W.P.(C) No. 2260 of 2013

Rakesh Kumar & Others	Petitioners
Versus			
Kusum Devi	Respondent

CORAM : HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioners	: Mr. Pawan Ranjan Khatri, Advocate
For the Respondent	: Mr. Rahul Kumar Gupta, Advocate

Order No. 07 : Dated 25th March, 2021

The matter has been taken up through video conferencing.

This writ petition is of the year 2013 wherein the orders dated 07.12.2012, 22.01.2013, 06.02.2013 and 07.02.2013 passed in Execution Case No. 2 of 2009 by the Sub-Judge-I at Chaibasa have been assailed.

It is evident from the orders passed in this petition that an interim stay to maintain status quo existing on 09.05.2013 was passed vide order dated 09.05.2013.

Thereafter, the matter was posted on 22.06.2016 and as per the prayer for adjournment made on behalf of the petitioner, the matter was adjourned with an observation that no further adjournment shall be granted to any of the party, however, the interim order granted on 09.05.2013 was extended till the next date.

The matter, thereafter, was listed on 11.07.2016 and again prayer for adjournment was made and accordingly the matter was adjourned for 21.07.2016 with a further observation that no further adjournment shall be granted to any of the parties on any ground.

The matter was again listed on 08.08.2016 and on that date none appeared for the petitioner and hence, the matter was adjourned, however, with a direction upon the court below that since there is no order of stay of further proceeding of the court below, the court below is directed to proceed in accordance with law. The aforesaid order was communicated to the concerned court.

The matter, thereafter, was listed on 16.03.2021 but none appeared on behalf of the petitioner and accordingly the case has been directed to be listed today i.e., on 25.03.2021 for its final disposal making it clear that the counsel for the parties must put their appearance. This Court further directed the office to communicate the order to the learned counsel for the petitioners through e-mail or any other electronic mode and give proper note before the next date of hearing.

The matter has been listed today again.

One Mr. Ashish Verma, learned counsel has appeared and insisted for adjournment. Thereafter, other counsel, who is on record to represent the writ petitioner, namely, Mr. Pawan Ranjan Khatri, has appeared and sought for adjournment on the ground that the brief is not available with him.

When the Court has put specific query that what is the status of the Execution Case since as per order dated 08.08.2016 the Court has specifically directed the executing court to proceed further, it has been informed that the Execution Case is still pending.

The question is that when this Court has already clarified the position and directed the court below to proceed with the Execution Case and said order has also been communicated to the court below, then under what circumstances the Execution Case is still pending.

The court of Sub-Judge-I at Chaibasa is directed to explain the same before the next date of hearing by submitting a report in this regard.

The court below is further directed to submit the fate of Miscellaneous Case No. 1 of 2010.

In the ends of justice, as prayed for by the learned counsel for the petitioners, let this case be listed on **08.04.2021** within top five cases under the heading for “**Orders**” for disposal of the writ petition.

The parties are directed to remain present on the next date. It is made clear that no further adjournment shall be granted and the case will be decided on the basis of material available on record.

Let this order be communicated forthwith to the court of Sub-Judge-I at Chaibasa.

(Sujit Narayan Prasad, J.)

Birendra/-