

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Second Appeal No. 199 of 2007

Smt. Preman Devi and Ors.

..... **Appellants**

Versus

Jai Kishun Sahu

..... **Respondent**

CORAM : HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellants : Mr. Nilesh Kumar, Adv.

For the Respondent : Mr. Amar Kumar Sinha, Adv.

Order No. 19: Dated 09th December, 2019

I.A. No.5618 of 2019

The instant interlocutory application being I.A. No.5618 of 2019 has been filed for staying the further proceedings in Execution Case No.03 of 2008, which is pending in the Court of Civil Judge (Senior Division) No.- VII, Ranchi.

Learned counsel appearing for the appellants submits that this second appeal has already been admitted on the substantial question of law on 16.01.2009. He submits that the stay was granted on 22.04.2009. He further submits that in view of the judgment of the Hon'ble Supreme Court in the case of *Asian Resurfacing of Road Agency Pvt. Ltd. and another Vs. Central Bureau of Investigation* reported in **2018 (16) SCC 299**. The trial Court has vacated the stay and proceedings with the Execution Case.

Learned counsel appearing for the respondent opposes the prayer made in this interlocutory application. He further submits that the decree is in favour of the respondent and the fruit of that decree has not been provided to the respondent.

In view of the above facts and submissions of the learned counsel for the parties, this Court finds that this second appeal has already been admitted on the substantial questions of law and this Court has already granted stay in Execution Case No.03 of 2008 vide order dated 22.04.2009, accordingly, there shall be stay of proceeding of Execution Case No.03 of 2008 pending in the Court of Civil Judge (Senior Division) No.-VII, Ranchi, till the pendency of this Second Appeal.

Accordingly, I.A. No.5618 of 2019 stands allowed and disposed of.

(Sanjay Kumar Dwivedi, J.)