



2025:JHHC:8562

IN THE HIGH COURT OF JHARKHAND AT RANCHI

C.M.P No. 708 of 2023

Sahdeo Sonar & Ors.

.... Petitioners

Vrs.

Kavita Devi & Ors.

.... Respondents

CORAM : HON'BLE MR. JUSTICE ANANDA SEN.

For the Petitioners:

Mr. Amar Kumar Sinha, Advocate

For the Respondents:

03/03.08.2023

Learned counsel for the petitioners submits that vide judgment dated 03.03.2009 passed in Title Suit No. 21 of 2007 Munsif, Koderma has confirmed possession of the plaintiff over the land in question. As per him, when the possession of the plaintiff is confirmed, there cannot be execution proceeding for recovery of suit land in questions especially when there is no specific averment in the petition that during the pendency of the suit, the plaintiff was dispossessed.

Issue notice to the respondents through ordinary process, for which requisite etc. must be filed within one week.

Liberty is given to the petitioners to serve notice to the opposite parties before the trial court through their lawyer. Two sets of requisites should be filed with two weeks.

List this case on 04.10.2023 before appropriate bench having roster.

I.A. No. 5387 of 2023.

Since the notice has been issued on the point raised by the petitioner, the Execution Case No. 5 of 2013 pending before the Munsif, Koderma, shall remain stayed till further order.

Accordingly the instant application stands disposed of.

Since the order of stay has been passed ex-parte, it will be open to the respondent to appear and pray for an appropriate order for modification of the same.

(ANANDA SEN , J)