

IN THE HIGH COURT OF JHARKHAND AT RANCHI

S.A. No. 7 of 2008

With

I.A. No. 1879 of 2008

With

I.A. No. 2487 of 2019

With

I.A. No. 8513 of 2019

Kusum Kumari Gupta @ Kusum Gupta

... Appellant

-Versus-

Ganesh Nag & Others

... Respondents

CORAM: HON'BLE MR. JUSTICE SANJAY KUMAR DWIVEDI

For the Appellant : Mr. Amar Kumar Sinha, Advocate

For the Respondents : Mr. Vishal Kumar, Advocate

12/22.10.2019. **I.A. No. 2487 of 2019**

I.A. No. 2487 of 2019 has been filed for extension of stay granted in respect of Execution Case No. 11 of 2001 vide order dated 14.02.2008.

Learned counsel appearing for the appellant submits that this Second Appeal has already been admitted on substantial question of law vide order dated 14.02.2008 and on that day, stay of the execution proceeding was allowed. In the meantime, judgment of the Hon'ble Supreme Court came, which has been reported in **2018 (2) JLJR 320**, para 35. He further submits that in view of the aforesaid judgment, he has filed this interlocutory application of extension of stay of execution proceeding.

As this Second Appeal has already been admitted and stay has already been granted and looking to the nature of question of law, which has been framed in this Second Appeal, this Court finds that the stay order dated 14.02.2008 needs to be extended, otherwise, the appellant will suffer irreparable loss. Accordingly, stay granted by this Court vide order dated 14.02.2008 is extended, till further order.

Accordingly, I.A. No. 2487 of 2019 stands allowed and disposed of.

I.A. No. 1879 of 2008 & I.A. No. 8513 of 2019

These two interlocutory applications have been filed on behalf of the respondents for vacating the stay granted by this Court vide order dated 14.02.2008.

Learned counsel appearing for the respondents submits that there is already an observation while stay was granted by this Court vide order dated 14.02.2008 to the effect that since the matter is old, let the appeal be posted for hearing in the first week of June 2008 among the first ten cases. He further submits that if this Court is not inclined to vacate the stay order, this Second Appeal may be posted for hearing in light of the observation made by this Court vide order dated 14.02.2008.

As this Court has already extended the stay order dated 14.02.2008 and that is why this Court is not inclined to vacate the stay order.

Accordingly, I.A. No. 1879 of 2008 and I.A. No. 8513 of 2019 stand dismissed.

S.A. No. 07 of 2008

In view of the observation made by this Court in the order dated 14.02.2008, let this matter appear under the heading "For Hearing" in the 2nd week of February 2020.

(Sanjay Kumar Dwivedi, J.)

Ajay/